

RAPID Toolkit Project Overview

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Background

- Industry stakeholders – from multiple industries – have identified the permitting process as one of the most significant barriers to transmission and power project development.
- Potential bottlenecks in the permitting process increase the cost and financial risk of a project. The impact of a single permitting delay may be small, but the cumulative impact of multiple, often independent, and sometimes conflicting regulations on development projects can hinder new projects or make them non-commercial.



White House Initiatives

White House Executive Order (March 22, 2012) -- [Improving Performance of Federal Permitting and Review of Infrastructure Projects](#)

White House Report (June 2012) -- [Implementing EO 13604 on Improving Performance of Federal Permitting and Review of Infrastructure Projects: A Federal Plan for Modernizing the Federal](#)

[Permitting and Review Process for Better Projects, Improved Environmental and Community Outcomes, and Quicker Decisions](#)

Presidential Memorandum (May 17, 2013) -- [Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures](#)

White House Report (May 2013) -- Rebuilding America's Infrastructure: Cutting Timelines and Improving Outcomes for Federal Permitting and Review of Infrastructure Projects

<http://www.whitehouse.gov/sites/default/files/omb/reports/report-to-the-president-rebuilding-americas-infrastructure.pdf>

Presidential Memorandum (June 7, 2013) -- [Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review](#)

White House Fact Sheet (May 14, 2014) -- [Building a 21st Century Infrastructure: Modernizing Infrastructure Permitting](#)

White House Implementation Plan (May 2014) -- [Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting Steering Committee on Federal Infrastructure Permitting and Review Process Improvement](#)



Photo by Pete Souza/White House

RAPID toolkit

Regulatory and Permitting Information Desktop (RAPID) Toolkit *For RAPID access to regulatory and permitting information*

Objectives

- To develop the permitting roadmap and related tools for power and bulk transmission projects at the federal and state levels to understand what the current process looks like
- To convene industry stakeholders, both agencies and industry, involved in the permitting process to validate the process
- To work with all stakeholders to optimize and streamline the regulatory process to the benefit of all
- To provide links to permits, processes, guidance, manuals, examples, regulations, rules, contacts, and other relevant information so that it is rapidly accessible to users from one location
- To facilitate communication between project developers and agency personnel, among agencies at all jurisdictional levels, and among all project stakeholders – including the public.

Who's on First?

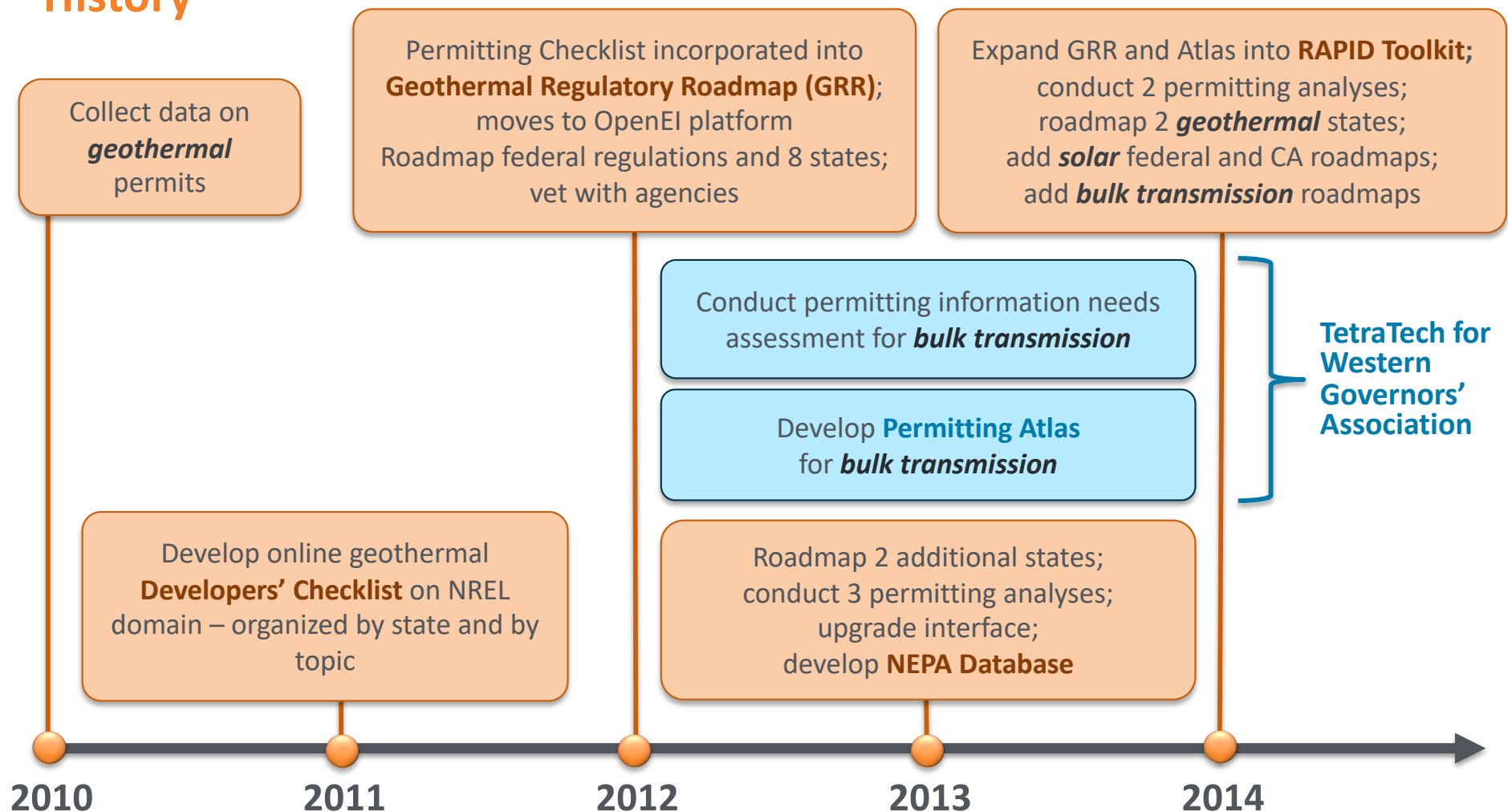
Agencies are very good at what they do, but aren't always aware of what other agencies do.



RAPID toolkit

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For RAPID access to regulatory and permitting information

History



RAPID toolkit

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Feedback

“The objective of creating this ‘roadmap’ is absolutely necessary. I would encourage you to continue the project.” (industry)

“Flowchart detail and layout are very good, but the number of flowcharts is overwhelming. Developing into a web application would improve usability, particularly if it’s used to track schedules and accountability.” (industry)

“I learned new things coming to these meetings – every project teaches me something new.” (industry)

“Keep up the momentum to see and cross the finish line – really need this tool!” (industry)

“It was great meeting with other agencies to understand their processes and priorities.” (agency)

“It would be great to have these developed for other renewables, too!” (industry, agencies)

“Flowcharts are very clear and accurate. Process end-product will add value to a variety of audiences.” (agency)

“I can’t wait to use these flowcharts to train my newer employees!” (multiple agencies)

“Please get this website out to as many agencies as possible for them to link directly to your websites – it’s a great tool!” (agency)

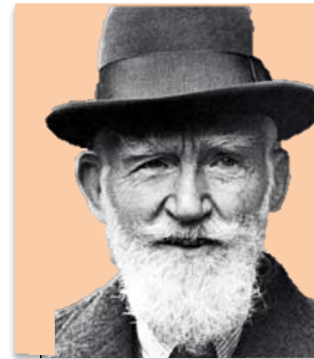
**For more on what people are saying,
see the RAPID website**

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Benefits

- Enhance transparency and understanding by all stakeholders involved in the permitting process
- Facilitate communication among agencies
- Save agencies time in explaining permitting process to industry and to its own personnel
- Help in training new staff and in documenting procedures
- Help to provide consistency among an agency's multiple offices
- Serve as a model for jurisdictions that have yet to develop permitting regulations
- Provide an online forum for maintaining and communicating permitting processes and for making documents available
- Provide the data and background analysis needed to inform policymakers and stakeholders in developing new regulations, policies, and rules
- Provide service to agencies in times of continually decreasing budgets
- Decrease project risk by reducing delays and costs and eliminating uncertainties
- Provide greater assurance to stakeholders that the project will be conducted in a technically, environmentally, and socially responsible fashion.



“The single biggest problem in communication is the illusion that it has taken place.”

-George Bernard Shaw

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Toolkit Overview

- Collection of publicly available information about permits and regulations that is rapidly accessible to users from one location.
- Currently focused on bulk transmission and power project development.
- Six tools in development in FY14; additional tools will potentially be added in the future.
- Identifies permit triggers and outlines the regulatory process for federal- and state-level permits.
- Provides links to permits, processes, guidance, manuals, examples, regulations, rules, contacts, and other relevant information.
- Depends on contributions and maintenance by all stakeholders.



**Regulatory
Roadmap**



**Permitting
Wizard**



**Permitting
Atlas**



**NEPA
Database**



**Best
Practices**



**Resource
Library**

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Topics covered by RAPID

- Topics represent the major requirements for geothermal power project development
- Environment topic is further subdivided into areas of potential impact, mirroring the common sections of a NEPA report:

Land Use Planning

Siting

Land Access

Exploration

Well Field

General Construction

Power Plant

Grid Connection

Water Access & Water Rights

Plant Decommissioning

Environment:

On-Site Evaluation

Cultural Resources

Biological Resources

Previous Land Uses

Water Resources

Air Quality Resources

Geological Resources

Aesthetic Resources

Waste & Hazardous Materials



Photo Credit: K. Young

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Three Ways to Navigate

Project Type



Geothermal



Bulk
Transmission

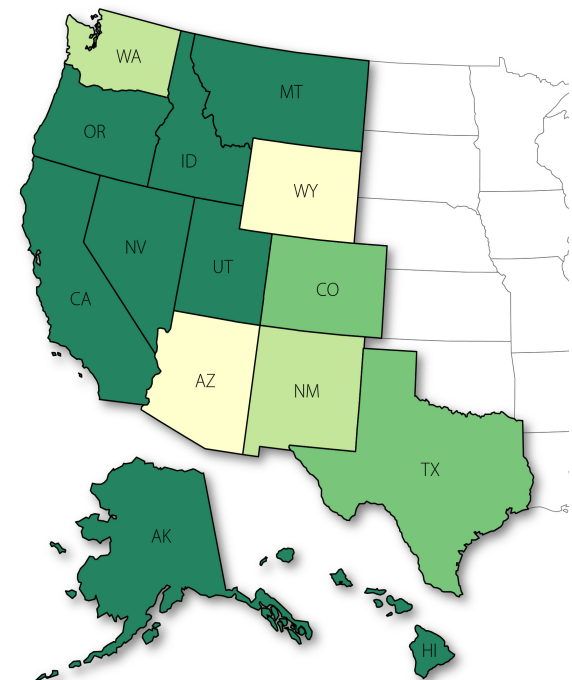


Solar

Topic

Land Use Planning
Siting
Land Access
Exploration
Well Field
General Construction
Power Plant
Grid Connection
Environment
Water Access/Rights
Plant Decommissioning

Jurisdiction





Permitting Atlas → will become new RAPID Toolkit landing pages

The **RAPID Toolkit** provides overviews of regulatory and permitting requirements at the federal and state levels, and allow users to compare requirements among states and technologies. For example, a developer can look up land access requirements for a particular state, or compare requirements across multiple states.

ATLAS Navigator ⚡

Technology:

Topic:

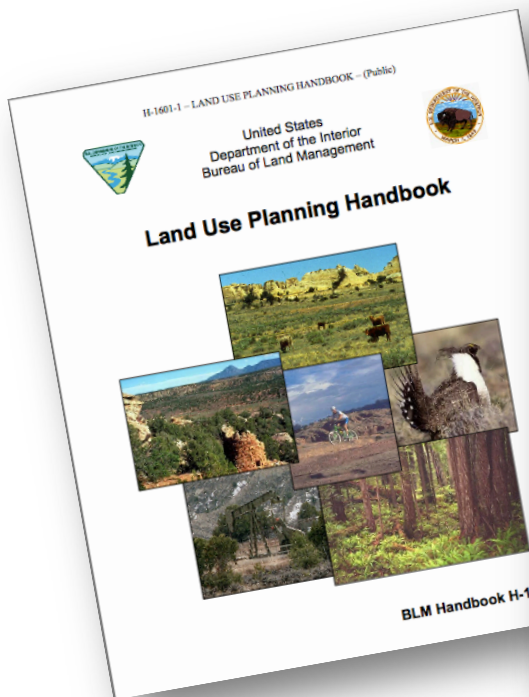
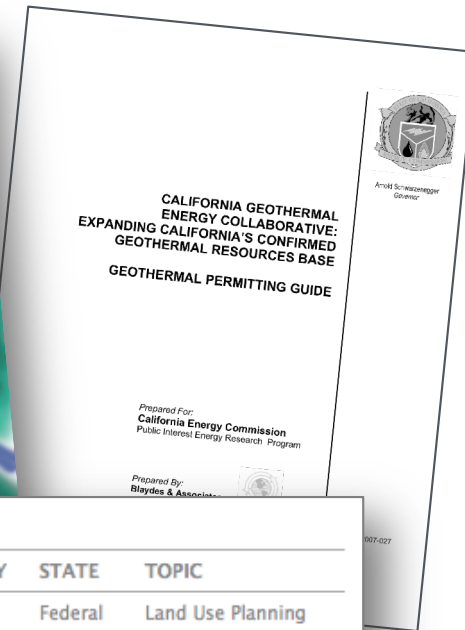
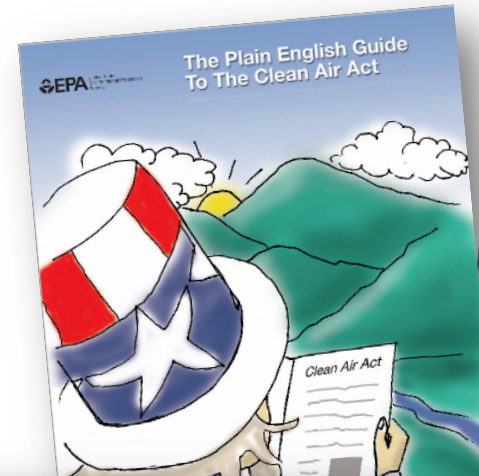
State:

GO

Permitting at a Glance

State:	Colorado
Water Right Agency:	Colorado Ground Water Commission, Colorado Division of Water Resources
Water Right Classification	Prior Appropriation Coffin v. Left Hand Ditch Co., 6 Colo. 443 (1882) and Colorado Constitution [1]
Water Right Notes:	
Geothermal Right Classification:	(Mineral and water) In Colorado geothermal resources are considered water rights on private lands, but mineral rights on state and federal lands. However, if the geothermal resource is classified as a mineral right, only the heat is classified as a mineral. [2]
Is a Water Right Required to Pump Geothermal Fluids?	Yes - The use of water as a material medium is recognized as a beneficial use of such water. All applications to appropriate groundwater in order to utilize its geothermal energy shall be considered an application to appropriate geothermal fluid. (2) (a) Prior to the production of geothermal fluid from a well, other than for flow-testing purposes, a permit to appropriate shall be obtained from the state engineer. This requirement shall not apply to nondiversionary utilization methods; however, such exemption shall not prevent the developer of a geothermal resource from establishing a property right based on his actual utilization. [3]

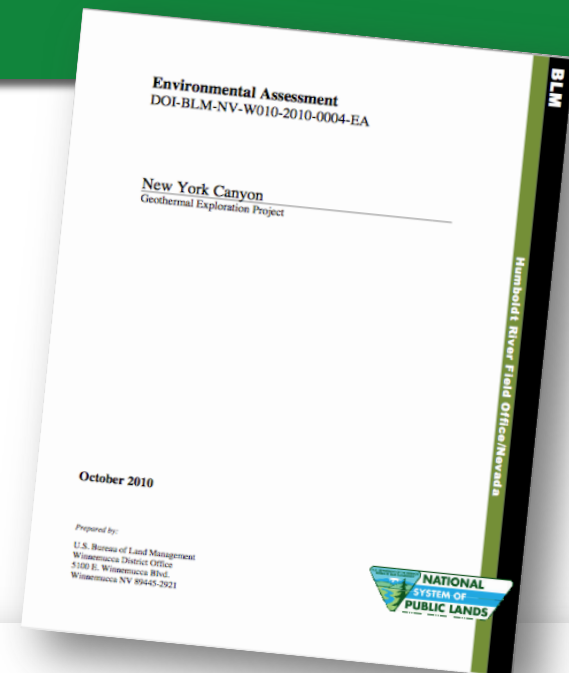
The **Resource Library** assembles links to permits, processes, guidance, manuals, examples, regulations, rules, contacts, and other regulatory and permitting documents that are publicly available on other websites. Users can search the library to find related documents or add to the library by providing links to additional documents.



Regulatory Resources

TITLE	DOC TYPE	DATE	PUBLISHER	TECHNOLOGY	STATE	TOPIC
BLM Land Use Planning Handbook (H-1601-1)	Guide	2005	BLM	All	Federal	Land Use Planning
BLM Manual: Section 8110 - Identifying and Evaluating Cultural Resources	Guide	2004	BLM	All	Federal	Environment
BLM Manual: Section 8120 - Tribal Consultation Under Cultural Resources	Guide	2004	BLM	All	Federal	Environment
BLM Manual: Section 8140 - Protecting Cultural Resources	Guide	2004	BLM	All	Federal	Environment
Plain English Guide to the Clean Air Act	Guide	2007	EPA	All	Federal	Environment
USFS Handbook 1909.12: Chapter 20 - Land Management Planning Handbook	Guide	2013	USFS	All	Federal	Land Use Planning
Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US	Guide	2008	BLM	Geothermal	Federal	Land Use Planning
California Geothermal Permitting Guide	Guide	2007	California Energy Commission	Geothermal	California	All
National Environmental Policy Act	Regulation	1970	NA	All	Federal	Environment

The **NEPA Database** is a collection of documents and metadata for previously conducted NEPA analyses that can be used to inform future NEPA analyses. The database catalogs proposed activities, timelines, applications, reports and decision documents, impacted resources, and proposed and imposed mitigations for these resources.



Resource Analysis

Resource	Not Present	Present, Not Affected	Present, Potentially Affected	Not Indicated	Comment	Applicant Proposed Mitigation	Agency Imposed Mitigation
Air Quality			✓				
Areas of Critical Environmental Concern	✓						
Cultural Resources			✓				✓
Environmental Justice	✓						
Floodplains	✓						
Invasive, Nonnative Species			✓			✓	
Migratory Birds			✓			✓	
Native American Concerns			✓				

Air Quality: Applicant Proposed Mitigation x

Post and enforce speed limits to reduce fugitive dust (speed limit of 15 miles per hour, as necessary).
 Apply dust abatement techniques (such as watering, requiring loader buckets to be emptied slowly, minimizing drop heights, etc.) to earthmoving, excavating, trenching, and grading activities.

Minimize equipment and vehicle idling times during construction activities.

The **Regulatory Roadmap** is a set of flowcharts providing detailed information outlining the requirements for developing energy projects, including topics such as land access, siting, exploration, drilling, plant construction and operation, grid interconnection, water resource acquisition, and relevant environmental considerations.

- Leads the developer through a set of questions identifying potential permits that may be triggered by development activities
- Consists of flowcharts and supporting materials, including links to relevant regulations and documents.

4-FD-b.6 to 4-FD-b.7 - Is there an active geothermal lease?

BLM will conduct pre-application review if there is an active geothermal lease. If there is no geothermal lease, forward pre-application material to appropriate surface manager.

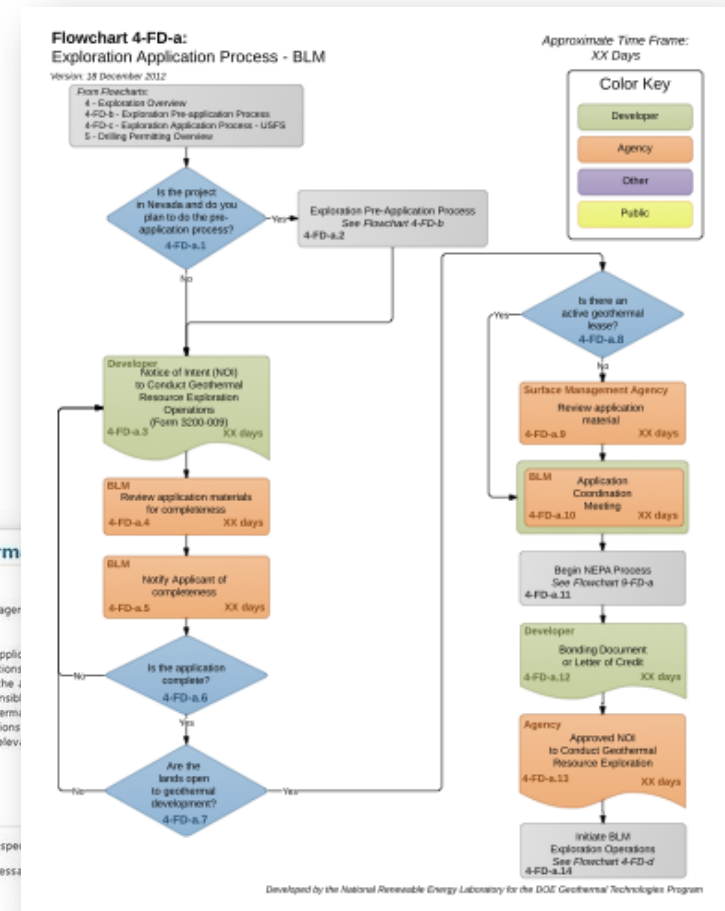
Surface Management Agency Review;
What lands are not available for geothermal leasing? The BLM receives nominations from applicants to the FS, which decides whether or not to consent to leasing and if so, what lease stipulations in direction. If an operator proposes to conduct exploration operations on unleased FS lands, the BLM will conduct a NEPA review and decide if the permit application should be responsible for consent and once lease parcels are configured, the BLM is responsible for conducting geothermal exploration without the consent of the FS, the BLM can add any additional terms, conditions or stipulations to the lease after review of the decision and documentation presented by the FS, and any other relevant information.

4-FD-b.8 - Application Coordination Meeting
A pre-application meeting required to discuss the proposed exploration activity and identify special requirements. If a pre-application meeting was completed during the pre-application process, it is not necessary to repeat the meeting.

4-FD-b.9 - Begin NEPA Process
Before the NOI to Conduct Geothermal Resource Exploration can be approved, the NEPA process will need to be completed. Note that the NEPA process can be completed for multiple steps in the geothermal development process concurrently to save time. For a description of specific environmental issues arising in geothermal projects, see the Geothermal Energy Association's Guide to Geothermal Energy and the Environment.

4-FD-b.10 - Bonding Document or Letter of Credit

ADD CONTENT





Document the regulatory process for project development for:

Geothermal

- Federal
- 12 states

Solar

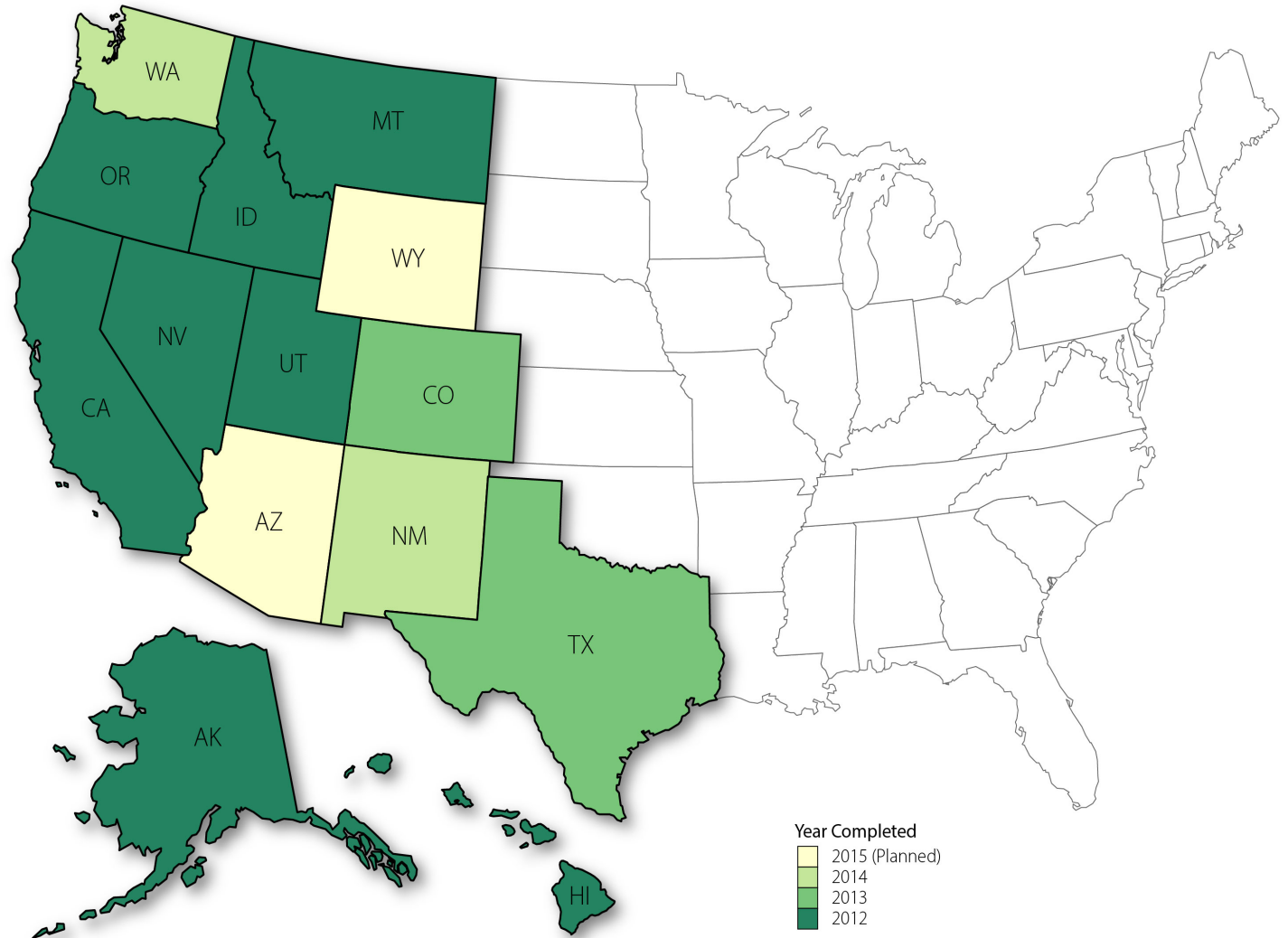
- Federal
- California
- 2015: Nevada

Transmission

- Federal
- 14 states
(2 sections of roadmap)

HydroPower

- 2015: Federal



Map shows content development for geothermal roadmaps



PART 1: Develop Regulatory Roadmap

- Research permitting regulations to develop first draft of flowcharts and supporting written documents
- Convene key permitting agency officials, industry personnel, and stakeholders to review and comment on the draft documents
- Integrate comments and updates into regulatory roadmap documents

“The less people know,
the more people yell.”

-Seth Godin

American entrepreneur,
author and public speaker

PART 2: Identify existing issues and overlaps in regulatory authority


- Convene key agency representatives (at all levels) and stakeholders to identify areas of concern, issues, overlaps, differences in implementation, and difficulties in the permitting process
- Facilitate collaboration among agencies to overcome bottlenecks and to optimize the regulatory process

PART 3: Collect Data and Conduct Analyses

- Identify current best practices that improve processes in a variety of industries that could be adopted by the other industries. Collect resources, data and industry interviews to develop analytical reports outlining these best practices
- Provide the data and background analysis needed to inform policymakers and stakeholders in developing new regulations, policies, and rules.


Best Practices provides a set of analyses outlining best practices, examples and templates for selected topics, such as developing memorandums of understanding (MOUs) among agencies and developing effective public involvement strategies.

Coordinating Permit Offices and the Development of Utility-Scale Geothermal Coordinated Approaches Reviewed In Detail




Hawaii Department of Business, Economic Development and Tourism (DBEDT)

- Renewable energy projects
- Power Production only



Alaska Department of Natural Resources (DNR) Office of Project Management and Permitting (OPMP)

- Large project coordination
- No specific limitations





Bureau of Land Management

- Oil and gas projects on BLM-administered public lands
- Within the territorial jurisdiction of specific statutorily designated offices

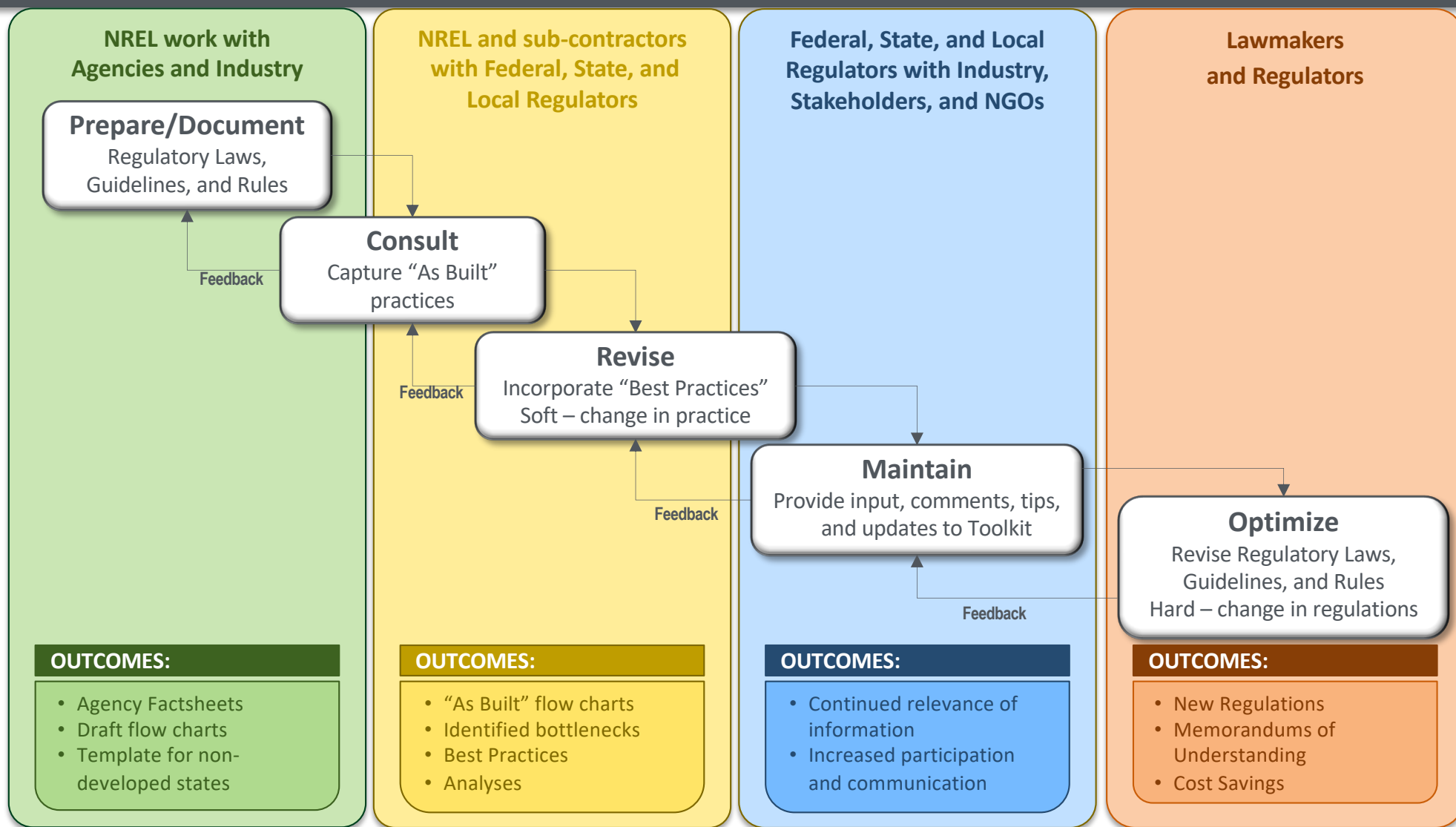
NATIONAL RENEWABLE ENERGY LABORATORY 5

Best Practices

TITLE	TECHNOLOGY
Coordinating Permit Offices and the Development of Utility-Scale Geothermal Energy	Geothermal
Memorandums of Understanding (MOUs) for Interstate Transmission Projects	Bulk Transmission
Public Involvement for Transmission Projects	Bulk Transmission
NEPA and CEQA: Integrating State and Federal Environmental Reviews 	All
NEPA and NHPA: A Handbook for Integrating NEPA and Section 106 	All

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Catalyzed and facilitated process

Streamlined process

Success Stories

Reducing Duplication

An Example of Impact in Nevada

- Concern:** Water monitoring was required at the federal, state, and locals levels - different sets of design and reporting requirements
- Action:** Agencies agreed to coordinate: create one set of requirements incorporating needs of all agencies; develop one reporting form; establish a single agency as point of contact
- Outcomes:** Saves developers time and effort and makes agencies more aware of the concerns and requirements of other jurisdictions; increases communication among agencies.

Facilitating Communication

Providing Clarity Among Agencies in California

- Concern:** Understanding authority in California is difficult; jurisdictional authority changes from county to county
- Action:** Development of roadmaps and meetings with agencies/industry. The roadmap outlines nuances, leading developers/agencies to better understand permitting in California
- Outcomes:** Roadmaps indicating appropriate contacts for each permit by jurisdiction. Roadmaps are helpful not only to developers, but also to agency personnel when navigating complex permitting structures.

Success Stories

Providing Certainty in Uncharted Territory

Development of the Regulatory Roadmap for Colorado

- Concern:** Because no geothermal power had yet been developed in Colorado, investors were worried about funding a project that would be the first to test the permitting landscape in this state
- Action:** Worked with local, state, and federal agencies to roadmap the regulatory and permitting process for geothermal development in Colorado
- Outcomes:** Provided more confidence to investors; state agencies used for training employees in new regulations.

Providing Guidance for New States

Development of Geothermal Regulations in New Mexico

- Concern:** In 2014, New Mexico was in the midst of developing geothermal regulations and determining the division of state authority among agencies
- Action:** The RAPID Team met with NM agency personnel to review the current NM regulations and information on geothermal regulations in other states
- Outcomes:** The information in the RAPID Toolkit served as a valuable resource to NM state agency personnel working to develop regulations to understand how geothermal was managed in other states and what might work best for NM.

Future Success

- Success of RAPID project has largely been due to the active participation of industry and agency personnel
- Feedback from stakeholders helps to identify the greatest need and have the largest impact on making the permitting process more efficient
- For this reason, the tool was developed in a wiki platform to allow industry and agencies to maintain the content in the future so that it continues to provide relevant and accurate information to its users
- We continue to work with agencies and the White House Implementation Team to engage agency personnel in working together to improve the performance of federal permitting and review of infrastructure projects.

Future Success – Next Steps for Us (The RAPID Toolkit Team)

Increase Usability

- Conduct user interviews, focus groups, heat mapping of website, site statistics
- Redesign the website – Version 1 is scheduled for release 10/31/2014. Version 2 is already in the design phase, and is scheduled to be rolled out September 2015

Add Content

- Plans to continue to work with transmission and solar groups to add content
- Kickoff content development for hydro power in 2015
- Potential plans to add wind power in 2016.

Stakeholder Outreach

Gain commitment from agencies to adding and maintaining content:

- Meet with as many agencies as possible
 - At all levels – federal, regional, state, local
 - For all technologies
- Try to get on agency agendas for regularly scheduled meetings
- Potentially develop promotional video with testimonials from agencies
- Continue working with the White House Implementation Plan team to incorporate into Federal Permitting Dashboard.

Future Success – Next Steps for You (Agencies, Developers, Consultants)

Adopt RAPID (agencies)

- Watch relevant pages – you will get emailed with any modifications
- Conduct annual review of relevant content – has your agency had any procedural changes in the past year that should be indicated in the Toolkit?

Use the Website

- Print out and bring to meetings with industry/agencies
- Use as a tool to converse with applicants and other agencies
- Use as a training manual for your staff

Provide Feedback

- Provide feedback on updates – on the site, email us
- Edit data – update contact information, suggestions for others, upload documents to the library

Help to Spread the Word

- Share and discuss with others in your organization/agency
- Discuss with superiors for adoption and maintenance (agencies)
- Make agency personnel and other developers aware of RAPID and ask them to use and help to maintain.

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The RAPID Team



U.S. DEPARTMENT OF
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EMPS inc.

K E A R N S ⚡ **W E S T**

HERRICK SOLUTIONS

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