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Western Utility Group ... an ad hoc organization of major western utilities

Arizona Public Service Idaho Power Company PacifiCorp Public Service Company of New Mexico Southern California Edison Company
 Sierra Pacific Power Company The Montana Power Company Public Service Company of Colorado Nevada Power Company
 San Diego Gas and Electric Company Northwest Pipeline Corporation Pacific Gas and Electric Company Salt River Project
 Puget Sound Power and Light Company U.S. West The Gas Company Bonneville Power Administration AT&T Wireless Services
 Kern River Gas Transmission Company Western Area Power Administration Tri State G&T Association, Inc. AT&T Pacific Bell
 MCI Telecommunications Corporation Los Angeles Dept. of Water and Power Pacific Gas Transmission Company
 Washington Water Power Company US Sprint Communications Co., Inc.

R. L. "Bud" Andersen, Chairman

October 1, 2001

Mr. James L. Connaughton,
 Chairman, Council on Environmental Quality
 Department of Energy
 Washington, D.C.

Re: Federal Register: August 20, 2001 (Volume 66, Number 161)

Dear Mr. Connaughton:

Thank you, for the opportunity to provide information to the Federal Interagency Task Force concerning the transmission of energy within the United States. While I am quite certain that many of our suggestions are applicable to the oil and gas industry, our comments are relevant to the transmission of electricity, natural gas and telecommunications (essentially the telecommunications industry occupy the same rights-of-way as the previously mentioned industries).

The Western Utility Group has been working with representatives of the Department of Interior and the Department of Agriculture to designate right-of-way corridors throughout the Western United States since the late 1980's. More recently we attended the Western Governor's Conference in Coeur D' Alene, Idaho, in which you made your presentation for a full coordination in the expedient delivery of energy throughout the United States.

In 1993, The Western Utility Group, Department of Interior and Department of Agriculture jointly developed the Western Regional Corridor Study. This was the third addition of the study and the industry funded the \$2.4 million study. It was accepted informally by the Department of Interior (BLM) and the Department of Agriculture (USFS). The Western Utility Group pushed for formal acceptance of the document to designate both existing corridors and future corridors. Most recently we made that study available to the Western Governor's Conference. The study does not in any way negate any environmental concerns through NEPA.

The Western Utility Group is currently working with and has provided its concerns to the United States Senate Committee on Energy and Natural Resources staff for inclusion into the final energy bill. I would like to express those concerns to you at this time since they are directly involved in expeditiously granting permits to the energy industry.

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They are:

- **Time frame for permit approval takes a prohibitive amount of time.** Policies and procedures have been in place to expedite this process, however, over time these practices have either been forgotten or misinterpreted by field representative of the agencies (Section 5 of FLPMA allows for the designation of corridors, etc.)

Federalizing private land in order to include it in the NEPA process. The notion of cumulative impacts, as addressed in NEPA, should not extend to private lands by the agencies. Why bring in private land that is miles and miles away from federal lands for impact study when the private landowner has granted either the sale or easement on their respective lands?

Involving agencies that are outside of the scope of a project, i.e., BLM or USFS bringing in the Park Service when the Park Service is not involved. The Western Utility Group strongly endorses the involvement of the necessary agencies when they are involved or being traversed by a specific project. We, too, endorse the involvement of Native American Tribes when they are involved or close to a project.

The Western Utility Group feels that these items need to be addressed legislatively and administratively and would enhance the permitting time period immensely.

- **Returning rent to the district.** Returning the rent assessed on the energy industry for federal land occupancy to the respective district or region would facilitate providing the administrative and technical support as well as the continued maintenance required to review projects and submit recommendations to the industry in a timely manner.

The Western Utility Group feels this item should be addressed legislatively since the administrative route does not have the authority to direct funds away from the general fund.

- **Inter agency cooperation.** The Western Utility Group supports the concept of lead agency. However, this lead agency should have the authority for approval/denial of a project. The other agencies involved in the project should buy into the lead agency review and approval/denial.

The Western Utility Group feels that if provinciality is an issue, then a project manager (such as BLM has initiated and hired) from each agency and state be granted

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approval/denial status for on site project reviews. The Western Utility Group (as mentioned above) is approaching the Western Governor's Association for the states to provide a project manager. Many of the Western States now have project managers through their respective departments of natural resources and conservation. The amount of time reduction could be from four to six months on a permit request while still complying with NEPA and respective state environmental policies.

- **Adopt the Western Regional Corridor Study.** The Western Regional Corridor Study already has been endorsed by both the Directors of BLM and USFS in 1992-1993. The agency field representatives do not recognize these existing corridors as the "highest and best use" of that area as they should since millions of dollars have been invested by the industry for the development of those rights-of-ways. The highest and best use of a specific right-of-way area should not be able to be changed when a different designation is sought, or at the discretion of an individual.

The corridor study defines and identifies existing corridors, potential corridors and alternate corridors as well as avoidance areas, wilderness areas (except those designated by President Clinton during the last days of his tenure), wild and scenic rivers, etc. It does not endorse nor propose any change in NEPA procedures, (EIS' or Eas) or Eminent Domain procedures. To the contrary, many EIS have been conducted on existing corridors already.

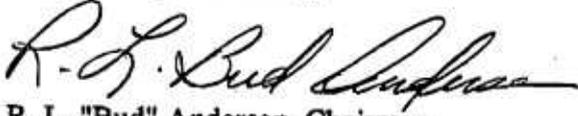
The Western Utility Group and Federal Agencies invested over \$2,000,000 on this study. We feel that this study should be endorsed and legislatively mandated as the corridor identification tool and to be utilized in the land use plans of all of the federal agencies and not just the DOI, BLM (as they have done).

We are having our annual fall meeting (delayed due to the terrosits attacks in New York and Washington) in Albuquerque in early November, 2001. We would like to invite you or a representative of your Task Force to make a presentation to the industry on your efforts and to hear in person the many concerns of the industry. As is in the case of the BLM and USFS, The Western Utility Group cannot reimburse individuals for the travel or meals and lodging of individuals. If this item presents a problem, then perhaps a written statement by you or one of your representatives would be appropriate to be read to the industry representatives.

Once again, Mr. Connaughton, The Western Utility Group appreciates the opportunity to comment to the Task Force of Federal Agencies on the expeditious transmission of our energy products

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Respectively Submitted,



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