



April 29, 2021

Comments regarding:

Notice of Request for Public Comment on the Executive Order on Tackling the Climate Crisis at Home and Abroad

Submitted by:

Energy and Wildlife Action Coalition

Filed electronically to the attention of:

William Hohenstein
Director
USDA Office of Energy and Environmental Policy
Docket No. USDA-2021-0003

The Energy and Wildlife Action Coalition (EWAC)¹ submits these comments in response to the United States Department of Agriculture’s (USDA) Notice of Request for Public Comment on the Executive Order on Tackling the Climate Crisis at Home and Abroad (Notice).²

In response to Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (EO), the Notice solicits comments on the USDA’s climate strategy. The Notice identifies certain questions for which the USDA specifically requests feedback. Several of the questions listed in the Notice are relevant to EWAC member activities, including questions related to:

- How the USDA programs and funding and financing capacities can encourage greater use of renewable energy;
- How the USDA can support adoption and production of other renewable energy technologies in rural America;
- How the USDA should utilize programs, funding and financing capacities, and other authorities to decrease wildfire risk fueled by climate change?
- How the USDA should ensure that programs, funding and financing capacities, and other authorities used to advance climate-smart agriculture and forestry practices are available to all landowners, producers, and communities and implemented equitably.

Deployment of renewable energy and grid modernization in rural America is critical to ensuring that safe, reliable, affordable, and increasingly cleaner energy is available to all communities throughout the United States. Below, EWAC identifies a few recommendations that would improve development, construction, and operation of renewable energy generating facilities and transmission and distribution of electric power, thereby aiding in the achievement of the goals set forth in the EO.

I. EWAC Recommendations

The USDA should carefully evaluate its programs for opportunities to improve efficiencies in processes affecting development, construction, and operation of renewable energy and electric transmission and distribution infrastructure. A non-exhaustive list of areas that could benefit from consideration include:

- **Publicly-vetted Guidance to Incorporate the EO’s Climate Goals** – EWAC commends the USDA on taking this first step to involve stakeholders in developing its climate strategy. EWAC member operations regularly involve or overlap with USDA programs and occur on USDA lands under the jurisdiction of various USDA agencies. EWAC encourages the USDA to develop guidance that further instructs

¹ EWAC is a national coalition formed in 2014 whose members consist of electric utilities, electric transmission providers, and renewable energy entities operating throughout the United States, and related trade associations. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner. EWAC is a majority-rules organization and therefore specific decisions made by the EWAC Policy Committee may not always reflect the positions of every member.

² 85 Fed. Reg. 14403 (Mar. 16, 2021).

its agencies on how to implement the energy infrastructure components of the EO. Development of guidance should also include an opportunity for stakeholder input. Such guidance will help achieve consistent, transparent, and practicable implementation of the USDA's climate strategy across its agencies' programs and lands.

- **USDA Program Efficiencies Generally** – Improved transmission infrastructure is necessary to achieve rapid renewable resource adoption. Current timelines for transmission infrastructure deployment can reach a decade or more when considering planning, scoping, environmental review, public comment, permitting and construction. The USDA can aid in the adoption of renewables by ensuring timely project approvals and working with other agencies to facilitate this development and approval. Improved facilitation of siting, permitting, and compliance processes associated with renewables and transmission projects that occur on USDA lands or participate in USDA programs are essential to a successful climate strategy. Agency staff are key in navigating federal compliance requirements—adequate staff allocation will be necessary to ensure timely processing of permit applications and project implementation. Administrative and programmatic improvements, such as consistent program implementation and adequate staff training, should be prioritized. Implementing the recent revisions to the National Environmental Policy Act (NEPA) regulations across USDA programs would help environmental reviews and renewable project approvals proceed efficiently. Key changes to NEPA implementing regulations that facilitate clean energy deployment include, but are not limited to:
 - NEPA threshold determinations;
 - Clarifications to defining purpose and need and establishing reasonable alternatives;
 - Process timelines and page limits;
 - Environmental Assessment procedures; and
 - Clarification that nonfederal projects with minimal federal funding or minimal federal involvement are not “Major Federal Actions” and are therefore not subject to NEPA review.
- **Rural Utilities Service (RUS) NEPA Evaluation of Renewable Energy Projects** – RUS has set megawatt (MW) thresholds that determine what level of NEPA review is appropriate for a particular project.³ For all new electric-generating facilities subject to RUS approval, funding, or financing, RUS NEPA implementing regulations require an environmental impact statement (EIS) be prepared for facilities that exceed an average of 50 MW. This requirement extends to “all new associated electric transmission facilities.” Using MW as the metric for

³ 7 C.F.R. § 1970.151.

determining the level of NEPA review results in scenarios where well-sited renewable energy projects with minimal impacts to human health and the environment must go through the much lengthier and more expensive EIS process simply based on the project's MW capacity. Similarly, EWAC members have encountered instances where RUS relies on BLM NEPA guidance for mining projects that prescribes an EIS for land use changes that are greater than 640 contiguous acres to require an EIS for solar projects greater than 640 acres.⁴ RUS should revisit its regulations and policies and tailor its guidance to follow metrics that better align with NEPA's statutory requirements. The level of NEPA review should be commensurate with both the extent of RUS involvement in a project and the impacts to human health and the environment arising from the same. Doing so will promote renewable energy development and the provision of safe, reliable, affordable, and clean energy to communities throughout the United States.

- **U.S. Forest Service (USFS) NEPA Implementing Regulations** – Efficient approval processes for construction of new renewable generation and transmission infrastructure on USFS lands will enable a faster transition to renewable energy sources. The USFS recently finalized rules for implementing NEPA that included categorical exclusions and direction regarding determinations of NEPA adequacy.⁵ Several aspects of USFS rules are helpful to achieving renewable energy deployment (and associated transmission) across USFS lands, and several of the categorical exclusions are helpful to preventing catastrophic wildfire and promoting climate change resiliency. EWAC encourages retention of these aspects of the USFS rules to further advance the Biden Administration's climate goals.
- **Renewable Energy and Related Infrastructure Development on USFS Lands** – Increased deployment of clean energy infrastructure on federal lands is key to meeting climate goals. EWAC recommends that the USDA maximize flexibility and opportunities within existing USFS land use plans and program implementation to support renewable energy generation, transmission development, and related operation and maintenance needs. Where USFS land use plans are under review, the USFS should ensure that land-use planning objectives are compatible with and provide opportunities for renewable energy development and associated transmission infrastructure.
- **Pollinator Species** – Management actions for pollinator species have increasingly been incorporated into USDA programs. The USDA should think carefully about how to incorporate pollinator management measures into programs affecting renewable energy footprints and associated rights of way. In some cases, measures can be impractical and unsustainable to implement and maintain. In others, owners and operators of renewable energy or transmission facilities do not have the legal authority to implement substantial management actions for pollinator species. EWAC encourages the USDA to work with stakeholders before incorporating

⁴ See 516 DM 11.8(B)(7).

⁵ 85 Fed. Reg. 73620 (Nov. 19, 2020).

pollinator-focused measures into USDA programs involving renewable energy development and grid modernization and to determine the prudence of adopting any such measures in the first place. Rather than focusing on pollinators as the sole ecosystem service co-benefit provided by a particular facility, EWAC also encourages USDA to look more broadly to all potential environmental co-benefits, and support project proponent flexibility to use the “right plant in the right place” when determining which environmental co-benefit (e.g. water quality management, soil restoration, pollinator conservation, etc.) to incorporate into their site design.

- **Other Opportunities to Promote Solar Development on Agricultural Lands** – EWAC encourages the USDA to research and advance dual use opportunities for solar development on agricultural lands. Agricultural land is favorable for solar energy facilities: flat, previously disturbed, and with landowners who wish to have diversified incomes to supplement farming. Solar energy facilities require minimal land disturbance during construction, and the land under solar panels goes undisturbed for decades, offering an opportunity for dual land use opportunities as well as providing for the potential for soil restoration and improved water quality. The clean energy transition requires the integration of solar energy with agricultural lands and creates dual land use opportunities that advance land conservation, protect valuable farmland, and increase biodiversity and overall sustainability. The agricultural community and solar industry and other stakeholders need incentives to innovate in this space and to form partnerships that create multi-layer benefits. Combinations of solar, agriculture, and ecosystem services offer many opportunities, and research is needed to truly understand the feasibility, costs, and impacts to electrical generation. EWAC recommends the USDA focus resources on how these incentives may be achieved.
- **Environmental Justice** – EWAC encourages the USDA to solicit stakeholder input on the best ways to incorporate equity considerations into its programming and funding. Additionally, in order for at-risk rural communities to fully benefit from the clean energy transition, the cost of energy must be kept as low as possible, as those costs ultimately will be borne by the public/electric customers. The USDA should prioritize strategies that will help minimize development, construction, and operational and related regulatory costs.

II. Conclusion

EWAC encourages the USDA to consider ways in which it can improve implementation of its programs to allow for efficient development, construction, and operations and maintenance of renewable energy projects and transmission and distribution of safe, reliable, affordable, and increasingly cleaner electric power to all communities. Thank you for the opportunity to submit comments, and EWAC is happy to discuss these issues further.

Please feel free to contact the following EWAC representatives:

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