

## D I A L O G U E

# Expedited NEPA Review for Alternative Energy Projects

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Panelists:

**Sharon Buccino**, Natural Resource Defense Council  
**Horst Greczmiel**, Council on Environmental Quality  
**Thomas C. Jensen**, Sonnenschein Nath & Rosenthal LLP  
**Jeff Wright**, Federal Energy Regulatory Commission

**Scott Schang:** Our conversation today is about expedited NEPA [National Environmental Policy Act<sup>1</sup>] review and what that really means. We'll see if our panelists can help us come up with a definition for that. This got started a couple of months ago when it became clear that siting new transmission lines to try to tie alternative energy sources into the grid was going to run up against NEPA and other environmental reviews. At the Environmental Law Institute, we were concerned that, once again, environmental law was being portrayed as standing in the way of progress. So, we started thinking about that and talking with folks; then events overtook us. Between Gov. Arnold Schwarzenegger's letter suggesting that NEPA be expedited and/or waived, and some amendments that were suggested to the stimulus bill, expedited NEPA review became very real.

We convened a conference call among 20 or 25 very knowledgeable NEPA experts to talk about what NEPA review meant to them and how to expedite review while remaining true to the core principles of NEPA. The call also discussed consideration of alternatives, involvement of the public, and doing environmental review in an intelligent way without looking at waivers in particular. That call was a very interesting discussion, and it led us to gather this panel here today.<sup>2</sup>

The purpose of the panel is to discuss with you what expedited NEPA review really means. Expedited review has been done before. It isn't something new or necessarily novel, so, we want to first walk through what has been happening in the past. What are past examples of NEPA expedited review? When has NEPA worked very quickly? What has worked and what hasn't? Can we derive any principles around expedited NEPA review from that discussion? For those who have been involved in NEPA for a very long time, this may not be anything particularly new, but for those of us who are newer to the area, we might learn from the past. Then we'll also

discuss how this applies to utilities in siting new transmission lines to see if there are any lessons we can learn from that example in particular.

We're fortunate to have four very distinguished speakers with us here today. We have Sharon Buccino, who is a senior attorney and director of the Natural Resources Defense Council's (NRDC's) land program. Her work focuses on protecting America's public lands in the courts, before Congress, and at federal agencies. She has litigated cases under NEPA, the National Historic Preservation Act, and the Freedom of Information Act. Before joining NRDC in 1993, Sharon clerked for the Alaska Supreme Court and worked for a private law firm in Washington, D.C.

Next to me is Horst Greczmiel, who joined the Council on Environmental Quality (CEQ) in November 1999 as the Associate Director for NEPA oversight. He is responsible for overseeing and implementing NEPA and CEQ mandates to ensure that federal agencies integrate environmental values into decisionmaking. Prior to joining CEQ, Horst worked in the Office of Environmental Law at the Coast Guard Headquarters in Washington, D.C., served in the U.S. Army for 15 years, including tours with the Judge Advocate General's Environmental Law Division, and served as environmental adviser to the deputy assistant secretary of the Army for Environment Safety and Occupational Health.

We also are glad to have Tom Jensen with us. Tom serves as chair of Sonnenschein Nath & Rosenthal's firmwide committee on environmental sustainability. He's a nationally recognized expert in natural resources, energy, and environmental law and policy. He leads the firm's renewable energy and natural resources practices. Prior to joining Sonnenschein, he served in the CEQ as associate director for natural resources, as executive director of the Grand Canyon Trust, and as majority counsel for the U.S. Senate Committee on Energy and Natural Resources subcommittee on water and power.

And we are also very glad to have with us Jeff Wright, who is deputy director of the Federal Energy Regulatory Commission's (FERC's) Office of Energy Projects. His office is responsible for processing applications for the construction and operation of natural gas pipelines and storage facilities for interstate and foreign commerce, including liquefied natural gas, licenses for nonfederal hydroelectric projects, and the management of license compliance and dam safety programs. In addition, the office administers the supplemental siting authority for interstate electric transmission facilities granted by the Energy Policy Act of 2005. Previously, Jeff

1. 42 U.S.C. §§4321-4370f, ELR STAT. NEPA §§2-209.

2. Many of the materials referenced and discussed in this transcript are available for download at [http://www.eli.org/Seminars/past\\_event.cfm?eventid=453](http://www.eli.org/Seminars/past_event.cfm?eventid=453).

























