

The New U.S. Forest Service Chief Can Lead on Wind Energy – Here’s How *Five reforms for USFS to consider to advance wind energy projects*

By Scott Debenham

In late June, the White House rolled out a new national “Energy Week” campaign.

Central to that effort, the Trump Administration - with U.S. Secretary of Energy Rick Perry leading the charge - began using a new term to define President Trump’s energy policy goal - ‘Energy Dominance’.

To achieve this goal, we challenge President Trump to reform, deregulate, and unshackle the parts of the U.S. government that are preventing an “all of the above U.S. energy dominance” by holding back the development of wind energy on federal lands.

The U.S. Forest Service (USFS) is an agency of the U.S. Department of Agriculture (USDA) that administers 193 million acres or 25% of federal lands.

Similarly, the Bureau of Land Management (BLM) of the U.S. Department of the Interior (DOI) administers more than 250 million acres of public lands. In total, the federal government controls over 47% of the lands in the Western US.

These two land management agencies mirror one another in many ways. Both manage multiple use on federal lands, however, only one of the two agencies, the BLM, has positively engaged the wind industry.

After issuing a wind programmatic document to amend 52 land use plans in 2005, the BLM approved over 40 wind projects totaling 5,608 MW (enough to power 2 million homes) by 2016.

After issuing its wind permitting rules in 2011, the USFS has not permitted a single new wind farm (the only wind project on USFS land is in Vermont and was permitted before the directives were final).

This disparity between these two federal bureaucracies is no mystery - The USFS has purposely put itself on the sidelines – but that can be rectified.

Soon, President Trump will nominate and the Senate will confirm new leadership for the USFS (the Chief and the Under Secretary for Natural Resources and the Environment). We recommend that these new officials work with their counterparts at the Departments of Interior and Energy to propose critical reforms to the development of wind energy on USFS lands. This will benefit tribes since access to transmission lines for tribal wind projects frequently requires crossing USFS lands

Clearly identifying the USFS regulatory hurdles and finding solutions is the first step.

Here’s how we see it:

Hurdle #1: These are multi-million dollar energy projects that that diversify energy resources, and create revenue & jobs while adhering to the federal laws that protect the sustainable use of federal lands. Yet final decisions – acceptance and rejection – of these critical national projects are left solely to the decentralized regional Forest Supervisors.

This may have made sense decades ago, but today these projects are critical to President Trump's vision of 'energy dominance' and therefore the approval or rejection of such projects should be removed from the Forest Supervisors and brought back to national level authorities at the USDA.

For example, the Cleghorn Ridge Wind project in California was identified in 2011 by the Secretary of Agriculture and the White House as a priority infrastructure project – one of fourteen national “priority” projects. Yet, less than three months later the local Forest Supervisor summarily rejected the project in an initial “screening” analysis. The fact that a project as significant as Cleghorn could not get USFS approval is just one illustration of why the USFS has not developed the federal wind resources it manages.

In short, a coherent national policy and standard cannot be sustained if big decisions like these are left to individual regions – the decisions must be made at the national level.

This change in the decision-making process would remove unique and inconsistent Forest level and Regional interpretations of federal USFS rules and regulations, and establish a consistent nation-wide standard for approving and rejecting such projects.

Hurdle #2: The USFS directives and culture have created regulatory impediments unique to USFS that need to be addressed. The Forest Service needs to take a hard look at its 2011 Directives and ask itself if these Directives facilitate or hinder wind energy development and then make the necessary changes. The USFS must put time limits on reviewing and ‘accepting’ wind applications, screening processes need to be consistent throughout the agency and permitting wind energy should be a priority on Forests – not a disfavored use.

We suggest adopting the USFS Pacific Northwest Region (OR/WA) ‘Energy Permitting Compatibility Mapping Framework’. This framework has recently been used successfully on a promising Oregon project and should serve as a model for the USFS.

Hurdle #3: USFS repeatedly claims that its policy ‘mimics’ the BLM. In fact, it does not. The USFS refused to adopt the BLM’s successful 2005 wind programmatic document and created its own unique regulations that inhibit wind development. The BLM’s policies have worked to responsibly permit wind on public lands. The USFS should follow the lead of this more experienced agency and truly mimic BLM’s wind policies.

As an initial step, we suggest a USFS collaboration with the BLM in a “lessons learned” exercise to take a close look at promising projects USFS projects that have been denied or delayed and look at similar nearby BLM projects and see how BLM got to yes by solving challenges that seem to hang up USFS.

This collaboration would create a common library of BLM and USFS files that could then be used to develop consistent screening and permitting guidance and “best practices” for the USFS on the scope, timeline and resource constraints for wind projects, along with a list of common objections and how those concerns can be addressed consistent with law.

Hurdle #4: Decisions denying wind applications frequently conclude that wind energy is not ‘consistent with’ existing Forest Land and Resource Management Plans (LRMP). But the USFS has never systematically analyzed wind development in its planning documents.

We suggest that the USFS follow BLM's example and prepare a nation-wide wind programmatic amendment to modify all LRMP's based on areas identified as promising for renewables and related energy infrastructure. The DOE has already identified and mapped the areas on Forest System lands that contain significant wind resources and, like BLM; the USFS can work with DOE to prepare the programmatic document.

Hurdle #5: The new Administration needs to take another look at the Inventoried Roadless Areas (IRA's) from the USFS 2001 Roadless Rule. This rule, which was rushed out at the end of the Clinton administration, (and only finalized after years of litigation in the Obama Administration), eliminated 50-60% of USFS lands with wind potential, which equates to 15-25+% of the energy requirements of the Western U.S. Putting this much land "off-limits" to responsible wind energy development won't lead to "energy dominance."

This shift can start by identifying the most promising IRA's for energy development. The scope of overreach is clear from a 1-minute view of maps. Identifying the 10-20 most promising IRA's for energy development, grid stabilizing benefits and fire risk mitigation can be done in 30 days by unbiased professionals. Even if the Administration does not want to revisit this contentious rule, it should clean up the mapping errors that include IRAs with existing in-use roads.

Conclusion

Recently, U.S. Secretary of Interior Ryan Zinke said President Trump is adopting an "all of the above" energy policy and argued that producing energy domestically with reasonable regulations is far better than it being produced overseas with no regulation.

We could not agree more with Secretary Zinke.

In order to meet this goal, the Trump Administration must address the hurdles to renewable energy development on USFS-managed lands.

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