



United States Department of the Interior

NATIONAL PARK SERVICE

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Washington, D.C. 20240

IN REPLY REFER TO:

Memorandum

AUG 05 2010

To: Regional Directors, Associate Directors, and Park Superintendents

From:

As Director *Paul W. Wank*

Subject: Renewable Energy Development near Units of the National Park System

This memorandum provides guidance to aid you in weighing in on proposed renewable energy development adjacent to park boundaries. It conveys the following two key messages: 1) it is important that you get involved in the decision-making processes of other agencies to increase the likelihood that steps will be taken to avoid and/or mitigate impacts to parks and other nationally designated areas, and 2) NPS experts are available at both the national and regional office level to assist you.

As we all know, President Obama and Secretary Salazar are committed to transforming the nation's energy system in order to reduce our carbon output and dependence on foreign oil. I strongly support this important national goal, which will require the development of new methods of generating and distributing energy, including solar, wind, geothermal, hydrokinetic and biomass facilities as well as new transmission systems. Planning and the associated compliance and permitting for many of these projects are already underway and moving at a rapid pace; others are no doubt coming quickly.

Over time, we anticipate that renewable energy projects will occur on public, private, and tribal lands, both on land and off shore. Some of these projects will be proposed and may be sited near units of the National Park System and other nationally designated areas where the National Park Service has a conservation interest or responsibility, such as National Trails, Wild and Scenic Rivers, properties on the National Register of Historic Places, National Heritage Areas, and National Natural or Historic Landmarks.

The reduction of greenhouse gases and conversion to a more sustainable energy future has clear benefits to the nation and to the National Park System. Notwithstanding our very strong support for this national energy goal, our legal obligation to protect park natural and cultural resources and values is not diminished. It is therefore critical that you get involved early in the land use planning and site-specific permitting decision-making processes of other agencies at the federal, state and local levels to elevate attention to and secure needed measures to safeguard our parks and other nationally recognized areas from adjacent renewable energy development.

While there is no substitute for the initiative and professional judgment of field managers in these matters, it is essential for the integrity of the NPS that we engage and respond consistently

across the System. Many of the issues associated with renewable energy projects are similar to other projects that we have evaluated in the past. However, renewable energy projects and associated transmission facilities do raise new issues. Complicating the picture, these projects are sponsored by a myriad of different entities, and federal authorities vary depending on the location and type of project, and sometimes how it is funded. Field managers need to pay close attention to what is being proposed in their vicinity and, where appropriate, get involved as early as possible.

Given the pace at which many of these renewable energy projects are being considered, I tasked the Natural Resource Stewardship and Science Directorate (NRSS), with assistance from the most recent Senior Executive Service Candidate Development Program Class (Attachment 1), to develop initial guidance incorporating a field perspective for use by Superintendents, Regional Directors, and other field managers on renewable energy issues outside park boundaries. The NRSS Directorate has specialists in energy and mineral development issues, air quality, water quality and quantity, wildlife, soundscapes, night skies, soils, geologic resources, regulatory processes, policy, and interagency coordination. The attached initial guidance includes:

- 1) An external energy development briefing statement (Attachment 2),
- 2) National and regional points-of-contact for assistance on renewable energy projects (Attachment 3),
- 3) A compilation of frequently asked questions (Attachment 4), and
- 4) Two decision tree flow charts for addressing renewable energy proposals (Attachment 5).

These documents will be refined and expanded over time and may evolve into more formal policy that will go through the usual process of field input and review. For example, work is currently underway to develop guidance to aid park managers in characterizing viewsheds that extend beyond park boundaries, assessing potential impacts to them from proposed renewable energy projects, and identifying needed mitigation.

As our nation moves towards cleaner sources of energy and energy independence, the NPS has an important responsibility and opportunity in helping to achieve these goals in a way that does not compromise the protection of our parks and other nationally designated areas. I thank you in advance for the work you are doing to ensure the protection of park resources and values as this transformation occurs.

If you have any questions about the attached documents or would like to learn more about the efforts underway to develop related viewshed guidance, please contact Carol McCoy, our Servicewide External Energy Coordinator in the NRSS Directorate, at 303-969-2096 or at carol_mccoy@nps.gov.

Attachments (5)

Briefing Statement

Bureau: National Park Service
Park Site: Servicewide
Date: July 2010
Title: Energy Development Outside Units of the National Park System

Issue: The Administration is implementing an ambitious and bold energy strategy to reduce the nation's dependence on foreign oil and generation of greenhouse gases in a way that safeguards our environment. The strategy encompasses both conventional and renewable energy sources. The National Park Service (NPS) supports this effort and recognizes that it has a unique opportunity to aid the Administration in ensuring that such a strategy also protects our natural and cultural heritage from adjacent energy development. To take advantage of this opportunity, it is critically important that the NPS work with decision makers in federal and state government to raise awareness of potential impacts to park resources and values from adjacent energy development, and to identify and have deployed ways to mitigate those impacts.

Background:

- Energy development is rapidly increasing adjacent to units of the National Park System and other special status areas (like national trails, national historic sites, properties on the National Register of Historic Places, marine reserves and research natural areas, and national natural landmarks) both on shore and off shore, including the outer continental shelf (OCS). Existing and proposed development includes conventional oil and gas drilling, coal mining, coal bed methane development, coal gasification, geothermal projects, oil shale, tar sands, liquefied natural gas storage, and energy generation from coal fired power plants, wind, solar, biofuels, conventional hydropower, waves, currents, and ocean thermal. It also includes associated ancillary power generation, transmission and access.
- Energy development can cause unintended cross-boundary impacts to park resources and values. Potential impacts include air and water pollution; reduced water quantity; wildlife and habitat disruption; adverse effects on threatened and endangered species; erosion; noise; contamination of caves; destabilization of geologic features; disruption of geological and hydrological processes; impacts to cultural resources, viewsheds, and nightskies; and degradation of park visitor experience. For example,
 - Many solar energy projects being contemplated for approval on federal lands currently use large amounts of ground water for cooling purposes in water scarce areas and pose significant adverse impacts to parks in the California Desert area.
 - Renewable energy and conventional oil and gas development on the OCS and in state waters could impact migratory species that inhabit waters and shorelines in 74 parks, and park viewsheds.
 - Coal-fired power plants are large sources of air pollution that contribute to visibility impairment and other resource impacts, like stream acidification, at nearby and distant parks.
 - Conventional oil & gas production generates air emissions, noise and light pollution, and can disrupt wildlife and contaminate water. Several parks and other special status areas, like national historic trails, have been adversely affected by this form of energy development.
 - Because of the interconnections of thermal systems, geothermal development outside park boundaries could damage park thermal features. To avoid such impacts, the Geothermal Steam Act Amendments of 1988 directs that federal geothermal leasing not occur outside the boundaries of 16 park units if it would cause significant impacts to park thermal features.
 - Overhauling and upgrading our nation's energy transmission network could have significant impacts directly to park units. Transmission companies may seek to expand and/or establish new transmission conduits through parks and/or on adjacent lands.
 - Numerous proposals, which could impact park resources and values, have been submitted to FERC for marine and hydrokinetic projects in coastal and inland waterways.

- Department of the Interior (DOI) bureaus that make energy leasing and site-specific decisions that can impact parks include the Bureau of Land Management; Office of Surface Mining Reclamation and Enforcement; Bureau of Ocean Energy Management, Regulation and Enforcement; Bureau of Indian Affairs; and Bureau of Reclamation. Agencies outside DOI involved in energy development include the Department of Energy, Army Corps of Engineers, US Forest Service, Environmental Protection Agency, Department of Defense, Federal Energy Regulatory Commission, National Oceanic and Atmospheric Administration, and state agencies.
- The NPS is striving to be engaged in the planning, leasing and site-specific decisions of the above noted agencies. By establishing a dialogue across agencies at all levels and with project proponents, the NPS is confident that creative ways for avoiding and mitigating impacts to park units and other special status areas can emerge and be implemented.

Legal Framework for Protecting Park Resources:

- Authorities governing the National Park System call for the protection of park resources and values “except as may have been or shall be directly and specifically provided by Congress.”
- A number of statutes underscore the importance of interagency collaboration like the Energy Policy Act of 2005. Other statutes also call for park protection like the NPS Organic Act, the Clean Air Act, the Surface Mining Control and Reclamation Act of 1977, and the Geothermal Steam Act Amendments of 1988. This direction is also captured in regulations.
- The Federal Power Act provides for some park protection re: hydro projects but needs strengthening.

Key Stakeholders Positions:

- No agency or energy project proponent wants to adversely impact units of the National Park System and other special status areas. However, some stakeholders may place the preeminent need on energy, while other stakeholders will work toward finding solutions that also protect treasured landscapes like parks.

Next Steps/Recommended Actions:

- Implement a strategy across NPS directorates, regions and parks for effectively working together to ensure that energy related decisions of other agencies incorporate measures that address adjacent park protection concerns. Through its Natural Resource Advisory Group (NRAG) made up of regional and park representatives, the Natural Resource Stewardship and Science Directorate has developed an action plan, and continues to assemble a network of contacts across the Service already engaged in energy related matters. It is reaching out to other agencies to improve the science brought to bear on energy related decisions.
- Establish solid working relationships with counterparts in DOI at all levels of the organization to create mutual understanding and facilitate decisions promoting energy development in an environmentally sound manner that accounts for risk. Participate on DOI work groups to elevate attention to park protection concerns and stimulate the identification of creative solutions.
- Amend energy regulations under bureaus in DOI to require specific engagement of the NPS.
- Continue to provide policy and scientifically sound technical support to park and regional managers to the extent possible to aid them in weighing in on decisions being made at the federal, state and local level that affect their parks.
- Increase funding for staff and research into impacts and the efficacy of mitigation measures to enhance the Service’s ability to proactively address energy issues with other agencies and proponents.

Contacts:

Carol McCoy, NRSS/NPS National External Energy Coordinator, 303-969-2096
 Bert Frost, Associate Director, Natural Resource Stewardship and Science, 202-208-3884

**Frequently Asked Questions
Renewable Energy Development near Units of the National Park System
2010**

1) What is the Secretary of the Interior's position on renewable energy development?

Developing America's "new energy frontier" in an environmentally sound manner is one of the Secretary's high priority goals. Secretary Salazar strongly supports the development of renewable energy facilities in a thoughtful, balanced and environmentally responsible way that allows us to protect our environment, treasured landscapes, wildlife, water resources, and our natural and cultural heritage.

2) What is the NPS position?

The NPS supports renewable energy development and associated infrastructure so long as it is constructed and operated in an environmentally-responsible manner that serves the public interest and protects our treasured landscapes such as national parks and other special protected areas like national trails, national historic sites, wild and scenic rivers, and national historic and natural landmarks.

3) Does the NPS have a responsibility to comment on and work with permitting agencies and project proponents to get park protection concerns addressed?

Yes. In carrying out the NPS mission, park managers must be engaged in actions outside park boundaries that could impact park resources and values. Under the NPS Organic Act, the Service has a duty to ensure that units of the National Park System are protected for the enjoyment of this and future generations. This includes activities both inside and adjacent to park units. In addition, under other statutes the NPS has programmatic responsibilities over an array of other special status areas such as national trails, wild and scenic rivers, properties on the National Register of Historic Places, national historic landmarks, national natural landmarks, and areas purchased using funds under the Land and Water Conservation Fund and Federal Lands to Parks Program. While most park units and special status areas are protected by law from the siting of energy development facilities on federal lands and waters within their boundaries, they are not immune to the spillover effects of adjacent energy development.

The importance of park managers working with others to protect parks from activities outside park boundaries is addressed in the NPS 2006 Management Policies. Section 1.6 provides the following direction (*see* pages 13-14):

Cooperative conservation beyond park boundaries is necessary as the National Park Service strives to fulfill its mandate to preserve the natural and cultural resources of parks unimpaired for future generations. Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural sites, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly impact park programs, resources, and values. ...Recognizing that parks are integral parts of larger regional environments, and to support

its primary concern of protecting park resources and values, the Service will work cooperatively with others to

- ◆ Anticipate, avoid, and resolve potential conflicts;
- ◆ Protect park resources and values;
- ◆ Provide for visitor enjoyment' and
- ◆ Address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resources and environmental protection....

The Service will use all available tools to protect park resources and values from unacceptable impacts....Superintendents will monitor land use proposals, changes to adjacent lands, and external activities for their potential impacts on park resources and values. It is appropriate for superintendents to engage constructively with the broader community in the same way that any good neighbor would. Superintendents will encourage compatible adjacent land uses and seek to avoid and mitigate potential adverse impacts on park resources and values by actively participating in the planning and regulatory processes of other federal agencies and tribal, state, and local governments having jurisdiction over property affecting, or affected by, the park. If a decision is imminent that will result in unacceptable impacts on park resources, superintendents must take appropriate action, to the extent possible within the Service's authorities and available resources, to manage or constrain the use to minimize impacts. (Underlining added)

In addition, the NPS has been assigned the responsibility to represent the Secretary of the Interior in commenting on federally permitted projects that have the potential to impact national historic landmarks (36 CFR 800.10(c)). While there is no strictly analogous NPS responsibility for national natural landmarks, the NPS is responsible for providing requested information about the National Natural Landmarks Program when other federal agencies assess the effects of their activities on the environment under the National Environmental Policy Act (see 36 CFR § 62.6(f)). Superintendents should coordinate with the National Historic Landmark and/or National Natural Landmark program staff for their region or for the Washington office in developing comments on proposed projects that could affect these areas.

Finally, the Federal Energy Regulatory Commission (FERC)'s hydropower regulations specifically require FERC to consult with the NPS in the licensing of both conventional hydropower (e.g., new dams and pump storage projects and relicensing of existing projects) and new developmental technologies (e.g., hydrokinetics – wave, tidal, currents). Under the Federal Power Act, new hydropower generation in “National Parks and National Monuments” is prohibited. However, the statute is vague with respect to other park units. The NPS works with FERC to ensure that the licensing of conventional hydropower and hydrokinetic projects in and adjacent to these units does not adversely impact park resources and values. The NPS also provides technical assistance to FERC on recreational enhancements associated with various projects in general.

Superintendents are urged to seek advice from the appropriate NPS program managers and specialists and legal input from the Solicitor's Office as needed to define actions that may be

required to protect park resources and values. See the list of NPS Servicewide and Regional Renewable Energy Contacts.

4) How and when should the NPS get involved in evaluating proposed projects?

Park managers are urged to get involved as early as possible in the review of site-specific energy projects, including energy transmission, near their parks. Park managers are encouraged to learn about potential projects from permitting agencies, project proponents/applicants, and other sources like websites; to participate in pre-application meetings if possible; to underscore park protection concerns and opportunities for mitigation, including alternative siting locations, at scoping sessions; and to remain engaged throughout the permitting process.

If park protection concerns are identified early, especially at the pre-application stage, there will be greater opportunity to resolve them before a sizeable commitment of financial resources has been made or an applicant gets overly committed to a particular location or project design. It is far more difficult to accommodate park concerns if they are raised late in the process.

5) How do I go about getting more information about the project I am evaluating?

It is entirely appropriate to contact the responsible land management agency/permitting agency or project proponent directly to begin a dialogue about the project, including detailed information about the project design and footprint and site characterization. You may also find pertinent information on websites maintained by agency and project applicants. Because projects often evolve, it is important to talk with responsible parties for the latest information.

6) Does the way I participate in the permitting process depend on whether the project is proposed for public, private or tribal lands or waters?

Yes. There will be different regulatory permitting and compliance requirements depending on the type of project and proposed location. The responsible land management agency and/or permitting authority should be able to provide information on how best to get involved in the process.

If a renewable energy project is proposed on lands or waters under the jurisdiction of a bureau in the Department of the Interior (DOI), the NPS has a special opportunity for having park protection concerns addressed. The NPS should work with its sister bureaus in DOI to make them aware of park protection concerns and secure needed mitigation, including alternative siting locations, to address those concerns. If you cannot reach agreement on needed mitigation at the field level, you may want to engage your regional management in the matter, which in turn may elevate the impasse to the Washington level.

For projects proposed on federal lands outside the jurisdiction of DOI, such as the U.S. Forest Service or military lands, the responsible agency may have a specific procedure for considering the concerns of neighboring agencies. Again, if a park protection concern cannot be resolved at the field level and regional level, the issue may need to be elevated to the Washington level.

In the case of high voltage transmission line projects (generally, though not necessarily, 230kV or above) crossing lands managed by multiple federal agencies and their attendant facilities, a multi-agency Departmental Memorandum of Understanding (MOU) governs the siting and permitting process. The NPS is working with other agencies to develop internal field guidance for implementing the agreement. Your regional points-of-contact for transmission energy projects or the NPS Special Park Uses Program Manager will be able to guide you through that process. The referenced MOU is posted on the special park uses page on Inside NPS at <http://inside.nps.gov/waso/custommenu.cfm?lv=3&prg=185&id=7981>. For transmission facilities where the impact to federal lands is restricted to the NPS, the request for a right-of-way permit would proceed according to Director's Order and Reference Manual 53.

For projects that involve the issuance of a hydropower license by the Federal Energy Regulatory Commission (FERC), including hydrokinetic or re-authorization of existing projects, it is important to contact your regional FERC point of contact. See the list of NPS Servicewide and Regional Energy Contacts.

For projects on state, private, or tribal land, park managers are encouraged to work with the permitting agency. If none exists, then you should work directly with the project proponent to address park protection concerns.

Remember to take advantage of the expertise and assistance available from NPS specialists as you navigate these processes (see the attached list of NPS National and Regional Energy Contacts). Also remember that as the nation's expert in the protection of parks and other special areas, the NPS brings considerable expertise to the table and needs to be affirmative and diplomatic in bringing that expertise to bear in the decision-making process of other agencies.

7) How do I influence siting decisions for renewable energy projects near parks so I don't have to keep raising the same issues over and over again?

There are three key ways to get park protection concerns integrated into the decision-making processes of other agencies.

First, park managers are urged to get involved in the land use planning process of adjacent land managers at the federal, state and local levels. It is at this stage when programmatic decisions are made as to which lands will be open for renewable energy development, including energy transmission. Therefore, it is critical to make sure that adjacent land managers are aware of park protection concerns and account for them in assigning appropriate land uses to areas under their jurisdiction. As part of this process, you may have an opportunity to ask for "cooperative agency status" in the development of requisite environmental compliance documents.¹ For example, by becoming engaged in the Bureau of Land Management (BLM)'s resource management planning process and the development of specific programmatic planning documents, such as the solar programmatic EIS, you may be able to have park protection concerns addressed at the ground level and have those concerns carried forward with regard to future permitting actions. By being

¹ NOTE: Seeking cooperating agency status is not advised for FERC hydropower proceedings where the NPS may need to pursue a licensing administrative rehearing and legal appeal.

involved, you may be able to influence which areas are deemed inappropriate for the siting of renewable energy projects. In areas left open for development, you can advocate for the inclusion of standard park protection related stipulations in future site-specific permits.

Second, park managers are urged to get involved in the rulemaking efforts of other agencies at the federal, state and local level. At the federal level, agencies must adhere to the procedural requirements of the Administrative Procedures Act, which requires agencies to obtain public review and comment before adopting new or revised existing regulations. As a result, the NPS has an opportunity to advocate for the inclusion of regulatory language that addresses park protection concerns. Regulations essentially are the “rules of the game” by which an agency undertakes land use planning and site specific permitting actions. The NPS Washington Office typically coordinates review of federal rulemakings.

At the state and local level, it is important to take advantage of opportunities to influence the content of state and local laws and procedures that may affect the siting and permitting of renewable energy projects near parks. This may include local land use zoning, water use requirements, and measure to protect species.

Third, park managers are urged to develop “Interagency Agreements” or “Memorandums of Understanding” with other agencies to lay out in greater detail the specific steps that will be taken to engage the NPS early in the agency’s decision-making processes pertinent to renewable energy development. Examples of procedures to consider including in such documents are the following: early notice of applications for proposed renewable energy projects, early engagement in pre-application discussions, involvement in joint research on potential environmental impacts, development of “best management practices” for avoiding and/or mitigating impacts to adjacent lands, evaluation of the efficacy of mitigation measures, and conflict resolution.

8) What are the key issues I should consider in evaluating potential impacts to park resources, values and visitor experience?

As with any development, each renewable energy project, including energy transmission, should be carefully evaluated for potential impacts to the resources and values specific to your park, and the possible effects on visitor experience.

Key natural resource issues include potential impacts to air quality, water quality and quantity, wildlife, species of special concern, soundscapes, visual or scenic attributes, and night skies; effects of habitat fragmentation; the introduction of non-native species; and effects on wilderness.

Key cultural resource issues include potential impacts to archeological sites, historic structures, cultural landscapes, ethnographic resources, and sites eligible for consideration for listing on the National Register of Historic Places.

Renewable energy projects should also be evaluated for their potential impacts to visitor use and enjoyment. Issues of concern include impacts to viewsheds, natural soundscapes, night skies,

wilderness character and experience, recreation access and opportunities, and changes in traffic patterns.

Park managers should also evaluate the potential benefits of renewable energy projects to park resources or values. Potential benefits could include the opportunity for the park to obtain “clean” power or to educate visitors about the role of renewable energy in helping to reduce our “carbon footprint.”

9) Are there existing tools that would help me identify the potential impacts I should be thinking about?

The Environmental Screening Form (ESF) is used by the NPS in its NEPA planning and environmental compliance processes. Section C of the ESF provides an excellent list of potential effects to consider. This form can be found at www.nps.gov/policy/ESF.pdf. This form will also assist you in identifying the types of environmental expertise needed in your evaluation of potential impacts to park resources and values. If you have any questions on its use, please contact your regional NEPA compliance point of contact on page 4 of the list of NPS Servicewide and Regional Renewable Energy Contacts.

10) How do I determine if the potential impacts are acceptable or not?

In keeping with the NPS mission, the goal should be to ensure that proposed renewable energy projects outside park boundaries do not cause unacceptable impacts to park resources and values. The determination of whether a project will cause unacceptable impacts to park resources and values is a judgment call. However, that judgment can be informed through the use of existing information on the condition of park resources and values, knowledge of the proposed activity, and the use of available science. NPS resource experts can assist in making this determination.

While not definitive, guidance contained in the NPS 2006 Management Policies is helpful. Section 1.4.7 (page 12) describes when an impact is not acceptable. Specifically, it states the following:

Unacceptable impacts are impacts that, individually or cumulatively, would

- ◆ be inconsistent with a park’s purposes or values, or
- ◆ impede the attainment of a park’s desired future conditions for natural and cultural resources as identified through the park’s planning process, or
- ◆ create an unsafe or unhealthful environment for visitors or employees, or
- ◆ diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- ◆ unreasonably interfere with
 - ◇ park programs or activities, or
 - ◇ an appropriate use, or
 - ◇ the atmosphere of peace and tranquility, or
 - ◇ the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park
 - ◇ NPS concessioner or contractor operations or services.

11) Is the NPS priority to avoid impacts or to mitigate them?

Consistent with the NPS 2006 Management Policies, the NPS Organic Act and other laws that may be applicable (e.g., Wild and Scenic Rivers Act and the Wilderness Act), our priority is to work with others to avoid adverse impacts to park resources and values. If, during project review, it becomes clear that adverse impacts cannot be avoided, Superintendents, permitting agencies and project applicants must work together to mitigate those impacts to the greatest extent possible, including the consideration of alternative site locations.

12) Do I have recourse if a permitting agency disregards park protection concerns?

Yes, but it varies depending who is the permitting agency.

- If the agency is within the Department of the Interior (e.g., the BLM or the new Bureau of Ocean Energy Management, Regulation and Enforcement) you can elevate your concerns to regional management for resolution. If issues cannot be resolved at the field level, it may be necessary to elevate them to the Director's Office.
- If the conflict involves a federal agency outside of DOI (e.g., the U.S. Forest Service in the Department of Agriculture or the Federal Energy Regulatory Commission with regard to hydropower and hydrokinetic projects), park managers should try to resolve the matter at the lowest organizational level. If agreement cannot be reached, the matter should be elevated to regional management. If no resolution is reached, the issue could be raised to the Director's Office level for action.
- If the conflict involves a state, local, or tribal entity you have less direct federal control. In consultation with your management, you will need to make a judgment call as to whether to elevate attention to park concerns through governmental channels (i.e., federal sovereign to state/local/tribal sovereign).

13) Where can I get assistance in evaluating the potential impacts and working with the permitting authorities or developers to avoid or mitigate impacts to parks?

Natural and cultural resource experts in parks, regional offices and the Washington Office have a great deal of experience in reviewing and providing comments on a variety of energy and transmission development projects.

Each Region has established a point of contact for dealing with renewable energy development, energy transmission lines, and hydropower and hydrokinetic projects. See the contact for your Region in the list of NPS Servicewide and Regional Energy Contacts.

National level points of contact are also available to assist you and are identified in the note list of contacts. Finally, the Servicewide and Regional NEPA Compliance Contacts on the list are available to assist you too.

**Process for Responding to Proposed Renewable Energy Facilities
Outside and Inside Park Boundaries**

2010

This document contains two decision tree flow charts to guide park managers in responding to renewable energy development proposals near parks that could adversely impact park resources and values, and to proposals inside park boundaries. Both flow charts provide a broad depiction of the respective decision making processes. It also contains a summary check list of basic information that needs to be gathered early in the process and identifies potential impact topics to consider.

Outside Park Boundaries

When renewable energy facilities are proposed outside park boundaries, you are encouraged to get involved early in the federal, state and local decision making processes governing the siting and permitting of these facilities. You also are encouraged to get involved in land use planning that sets the stage for such development. Under §1.6 of the 2006 NPS Management Policies, park managers are encouraged to get involved in decisions beyond park boundaries in order to 1) determine whether proposed development could adversely affect park resources and values, 2) make permitting agencies aware of park protection concerns, and 3) have those agencies take the necessary steps to avoid and/or sufficiently mitigate impacts to nearby park resources and values. Depending on the status of the lands or waters on which a renewable energy proposal is being contemplated, you may need to work with the following agencies: the Bureau of Land Management; Bureau of Ocean Energy Management, Regulation and Enforcement; Bureau of Indian Affairs; U.S. Forest Service; Department of Defense; Department of Energy; Federal Energy Regulatory Commission; U.S. Environmental Protection Agency; state permitting agencies; and local planning and zoning boards.

It is important to engage the Washington Office and regional program leads to take advantage of the expertise and assistance available from these offices. While the NPS supports the generation of our nation's energy needs from renewable sources, the Service wants to ensure that such development occurs in a way that does not compromise the protection of units of the National Park System and other nationally designated special places like national trails, wild and scenic rivers, and national historic sites.

Inside Park Boundaries

Because private and state rights exist inside park boundaries, park managers may need to respond to proposals to locate renewable energy facilities, including energy transmission, inside park boundaries. If you receive such a proposal, you are advised to adhere to policies and procedures governing the evaluation of other types of development of nonfederal rights inside parks and to make determinations whether such uses are compatible with park purposes (See the 2006 NPS Management Policies and NPS regulations at 36 CFR Parts 1-6). In addition, before allowing such development to occur in a park, you must first determine if it would constitute a nuisance under §5.13 (*Nuisances*). If it would, such development is prohibited. If you do not reach such a conclusion and the prospective project operator requires access on, across or

through federally owned or controlled lands or waters, a special use permit under 36 CFR §1.6 will be necessary using §5.6 (*Commercial vehicles*) and/or §5.7 (*Construction of buildings or other facilities*). Where such access is not required and no special NPS regulation is triggered, it is important that you ensure that the prospective project operator obtains needed permits under other applicable federal, state and local requirements before being allowed to begin renewable energy development activities in a park.

No authority exists to allow private or state entities to site renewable energy facilities on federal land within park boundaries with narrow exceptions for transmission lines. Narrow exceptions also exist with regard to authorizing nonfederal hydropower and hydrokinetic projects with the potential to affect federal lands and waters within park boundaries.

Park lands and waters have been set aside for natural and cultural resource protection and to provide for public enjoyment, not for commercial energy generation.

The deployment of small-scale renewable energy technology to meet park administrative needs is permissible and encouraged but must be done in accordance with NPS legal and policy requirements.

Gather Project Information

Determine:

- Land ownership
- Location – distance to park and utility corridor, e.g., transmission lines, ancillary facilities, and roads
- Project description/proposal, e.g., type of technology; acres impacted; project details sufficient to assess impact
- Relevant permitting agencies and land use planning or zoning bodies
- Applicable laws, regulations and policies (including NPS 2006 Management Policies, especially §1.4, §1.5, §1.6, and §3.4)
- Key contacts (developer, regulatory agencies, and stakeholders)

Assess Impacts to NPS Resources and Values

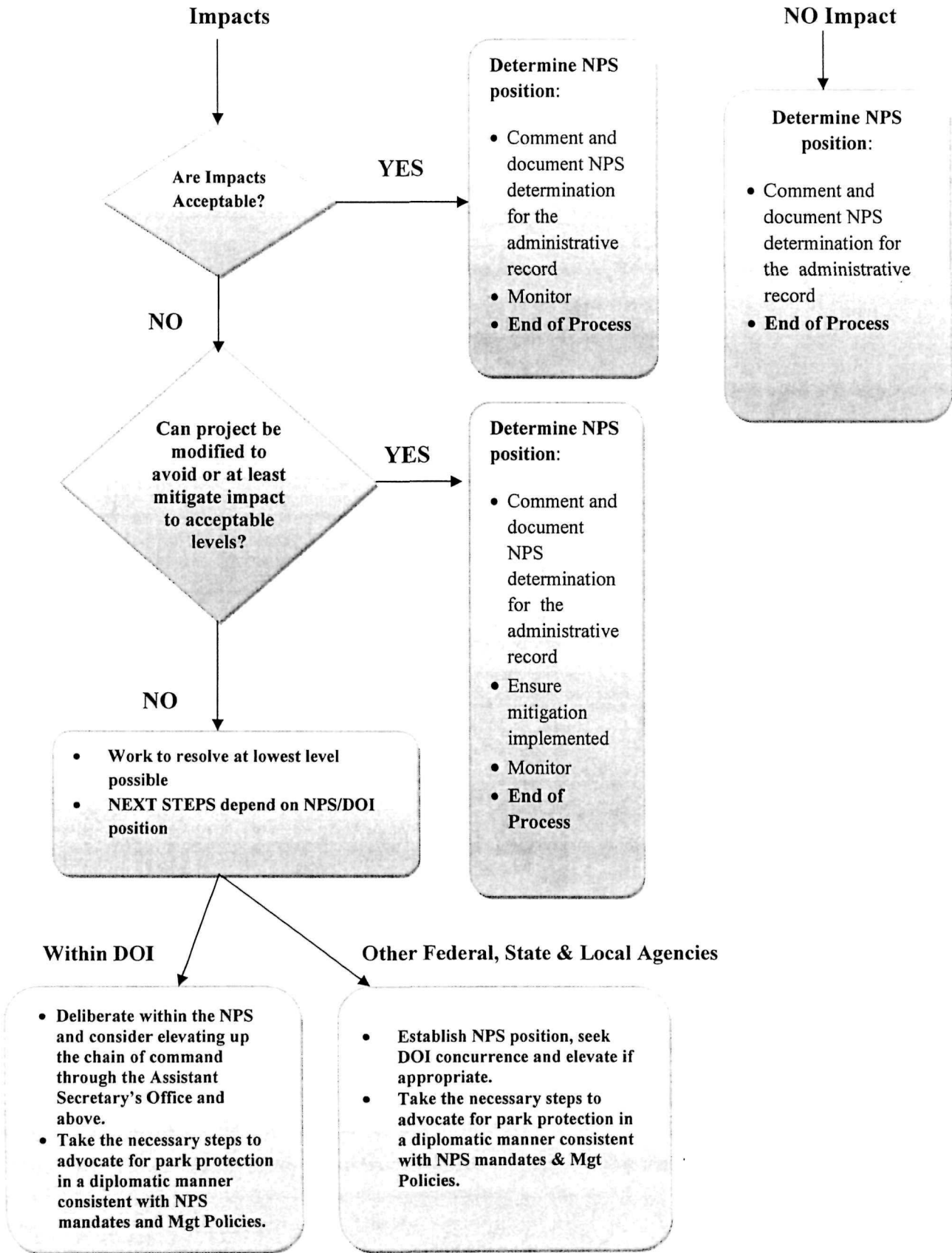
Scope and Determine Potential Impacts – As with any other major development, each renewable energy project needs to be carefully evaluated for potential impacts to park resources and values, including visitor experience. Topics to consider include:

- Natural Resources Issues** – Potential impacts to air quality, water quality and quantity, wildlife, species of special concern, habitat fragmentation, soils, geologic resources, night skies, soundscapes, introduction of non-native species, and other resources specific to your park or area.
- Cultural Resources Issues** – Potential impacts to National Historic Landmarks and historic properties eligible for, or listed on, the National Register of Historic Places (including archeological sites, cultural landscapes, and traditional cultural properties), and other resources specific to your park.
- Visitor Use and Enjoyment Issues** – Potential impacts to viewsheds, natural soundscapes, night skies, wilderness experience, changes in traffic patterns, and other issues specific to your park.
- Benefits to NPS Resources and Values** – Potential benefits associated with renewable energy projects to advance NPS administrative objectives. Benefits include:
 - Reducing the impacts of climate change to all of our parks
 - The opportunity to obtain “clean” power
 - Educating visitors about mitigating the impacts of climate change

Collaborate with Project Proponent & Permitting Agencies

- The siting of renewable energy projects adjacent to parks and other national designated areas reinforces the need for park managers to develop strong working relationships with park neighbors and permitting agencies well before projects are proposed. The earlier we engage in proposed projects, the greater the opportunity a developer and permitting agency has for avoiding impacts to parks by changing available siting locations and by incorporating mitigation measures into project design in a way that benefits both the project and parks. As the nation’s premier resource management agency, we need to seek out opportunities for early engagement and actively participate in scoping sessions to identify potential impacts and concerns. The importance of remaining engaged throughout the planning and approval process cannot be stressed enough.
- Assess laws, regulations, and policies to identify opportunities for enhanced engagement.
- Seek assistance from NPS national and regional experts.
- Contact appropriate DOI Solicitor if necessary.
- Avoiding impacts to park resources and values is always preferable to mitigating impacts.

**Flow Chart #1 – Process for Proposed Renewable Energy Facilities
OUTSIDE Park Boundaries**



Flow Chart #2 - Process for Evaluating Proposed Renewable Energy Facilities INSIDE Park Boundaries

