



MEMORANDUM OF UNDERSTANDING
AMONG THE

U.S. DEPARTMENT OF AGRICULTURE, DEPARTMENT OF COMMERCE,
DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, ENVIRONMENTAL
PROTECTION AGENCY, THE COUNCIL ON ENVIRONMENTAL QUALITY, THE
FEDERAL ENERGY REGULATORY COMMISSION, THE ADVISORY COUNCIL
ON HISTORIC PRESERVATION, AND DEPARTMENT OF THE INTERIOR,
REGARDING COORDINATION IN FEDERAL AGENCY REVIEW OF ELECTRIC
TRANSMISSION FACILITIES ON FEDERAL LAND

I. PURPOSE

The Department of Agriculture (USDA), Department of Commerce (DOC), Department of Defense (DoD), Department of Energy (DOE), Environmental Protection Agency (EPA), Council on Environmental Quality (CEQ), Advisory Council on Historic Preservation (ACHP), Department of the Interior (DOI), and the Federal Energy Regulatory Commission (FERC) (“Participating Agencies” or “Participating Agency,” as appropriate), enter into this Memorandum of Understanding (MOU) to expedite the siting and construction of qualified electric transmission infrastructure in the United States. As described below, this MOU improves coordination among project applicants, federal agencies, and states and tribes involved in the siting and permitting process. It will improve uniformity, consistency, and transparency by setting forth the roles and responsibilities of these entities when project applicants wish to construct electric transmission infrastructure. In addition, this MOU provides a single point of contact (POC) for coordinating all federal authorizations required to site electric transmission facilities on federal lands, which include interests in land administered by the Participating Agencies.

This MOU supersedes the August 8, 2006, MOU signed by the Participating Agencies. This MOU does not apply to transmission lines that cross the U.S. international border, federal submerged lands, national marine sanctuaries, or the facilities constructed by federal Power Marketing Administrations. Nothing in this MOU will affect the FERC’s jurisdiction to license hydroelectric facilities and the appurtenant transmission lines under Part I of the Federal Power Act (FPA).

Through this MOU, the DOE implements its authority under section 216 of the Federal Power Act (FPA), as amended by section 1221(a) of the Energy Policy Act of 2005, to designate a Lead Agency to: (1) serve as the point of contact for applicants, state agencies, Indian tribes, and others regarding proposed projects; (2) coordinate preparation of unified environmental documentation that will serve as the basis for all federal decisions necessary to authorize the use of federal lands for Qualifying Projects as defined in Section III; (3) coordinate all federal agency reviews necessary for project development and siting, including the Bald and Golden Eagle Protection Act, the Clean Air Act (CAA) the Clean Water Act (CWA), Coastal Zone Management Act (CZMA),



Endangered Species Act (ESA), Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), Marine Mammal Protection Act (MMPA), National Marine Sanctuaries Act (NMSA), FPA, the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, the National Environmental Policy Act (NEPA), and National Historic Preservation Act (NHPA) (Federal Agency Reviews); and (4) maintain a consolidated administrative record of all federal actions taken with respect to a Qualifying Project.

II. BACKGROUND

The President has stated that the country that harnesses the power of clean, renewable energy will lead the 21st century. Expanding and modernizing the transmission grid by siting proposed electric transmission facilities will help to accommodate additional electricity generation capacity over the next several decades, including new renewable generation as well as improve reliability and reduce congestion. The Participating Agencies have significant roles to play in siting these facilities.

Transmission siting involves many different authorities governing the use of federal, state, tribal, and county lands, as well as private lands that make up the landscape. As a result, projects involving multiple federal land management agencies are subject to a wide array of processes and procedural requirements for compliance with legal mandates and multiple authorizations. The intent of this MOU is the coordination of these various requirements and designation of a single federal point-of -contact. On non-federal lands, project applicants must adhere to the processes and comply with the requirements of each land owner and state.

The Participating Agencies have a significant interest in working with constituents and stakeholders to assess impacts from transmission projects and to site these facilities appropriately. Pursuant to statute, the Participating Agencies play different roles in the federal review, authorization and siting process.

Under section 216(h) of the FPA, DOE is authorized to act as the Lead Agency to coordinate federal authorizations and related Federal Agency Reviews required to site an interstate electric transmission facility on federal land. DOE has previously delegated its 216(h) authority to FERC for transmission projects located within National Interest Electric Transmission Corridors (NIETCs) as designated by the Secretary of Energy. That authorization remains unchanged by this MOU. Through this MOU, DOE exercises its authority to designate a Lead Agency for coordinating all required federal authorizations and Federal Agency Reviews for transmission proposals other than applications made pursuant to section 216(b) of the FPA. With respect to such transmission projects the Participating Agencies will carry out their responsibilities under this MOU pursuant to the FERC regulations concerning the siting of transmission facilities in NIETCs (see Part 50 of Chapter 18 of the Code of Federal Regulations).



DEFINITIONS

Cooperating Agencies: For purposes of this MOU, Cooperating Agencies are those that have jurisdiction by law regarding a proposed project, or that otherwise have special expertise with respect to environmental and other issues pertinent to Federal Agency Reviews. States, tribes and local governments with relevant expertise or authority, or that are potentially affected by or interested in a project, also will be invited to participate throughout the Federal Agency Review process as Cooperating Agencies.

Qualifying Projects: For purposes of this MOU, Qualifying Projects are high voltage transmission line projects (generally though not necessarily 230 kV or above), and their attendant facilities, or otherwise regionally or nationally significant transmission lines and their attendant facilities, in which all or part of a proposed transmission line crosses jurisdictions administered by more than one Participating Agency. Qualifying Projects will not include those transmission projects proposed to be sited in a NIETC pursuant to section 216(b) of the FPA.

III. ASSIGNMENT OF LEAD AGENCY FOR FEDERAL AGENCY REVIEWS

DOE will designate a Lead Agency for Qualifying Projects. This designation will recognize the agency with the most significant land management interests related to the Qualifying Project or the agency recommended by other Participating Agencies impacted by the project to be the Lead Agency.

For Qualifying Projects that would cross DOI-administered lands, including trust or restricted Indian land, and USDA-administered lands, the DOI and USDA will consult and jointly determine: 1) whether a sufficient land management interest exists to support their assumption of the Lead Agency role and 2) if so, which of the two agencies should assume that role. The DOI and USDA will notify DOE of their determination in writing or electronically. Unless DOE in writing or electronically notifies DOI and USDA of its objection to such determination within two business days, such determination is deemed accepted.

When the Lead Agency is not established as described above, the relevant Participating Agencies will consult and jointly determine a Lead Agency within 20 days after determining that a proposal is a Qualifying Project. The agencies will notify DOE of their determination in writing or electronically. Unless DOE in writing or electronically notifies those Participating Agencies of its objection within 2 business days, such determination is deemed accepted.



IV. AUTHORITY TO ENTER INTO THIS MOU

General

Section 1221 of the Energy Policy Act of 2005 requires that all federal agencies with authority to issue Federal authorizations enter into a memorandum of understanding to ensure timely and coordinated review and permitting of electricity transmission facilities.

USDA

The authority for the USDA to enter into this MOU includes Service First, Pub. L. No. 111-8, Div. E, Title IV, § 418, 123 Stat. 747 (2005).

DOC

The authority for the DOC to enter into this MOU includes sections 1221(h), 119 Stat. 594, 946-951 (2005) and 16 U.S.C. 824p.

DoD

The Authority for the DOD to enter into this MOU includes the Energy Policy Act of 2005, Pub. L. No. 109-58, §§ 368, 372, 119 Stat. 727-728, 734-735 (2005), and 10 U.S.C. § 2668, and the Sikes Act, 10 U.S.C. §§ 670a-670f, and The Military Lands Withdrawal Act of 1999, Pub. L. No. 106-65, §§ 113 Stat. 885 (1999).

The United States Army Corps of Engineers (USACE) within DOD is responsible for administering laws for the protection and preservation of waters of the United States, pursuant to the requirements of section 10 of the Rivers and Harbors Act (RHA) of 1899 and section 404 of the CWA. Under the RHA the USACE may authorize work and/or structures in or affecting the course, condition, location or capacity of navigable waters of the United States. Under the CWA, the USACE may authorize the discharge of dredged or fill material into waters of the United States, including wetlands, where the USACE determines that the proposed action is the least environmentally damaging practicable alternative. A USACE permit is required whether the work in waters is permanent or temporary. Examples of temporary discharges include dewatering of dredged material prior to final disposal, and temporary fills for access roadways, cofferdams, storage and work areas. A USACE permit is required whether work is proposed on federally-owned land or private property.

DOE

The authority for the DOE to enter into this MOU includes sections 301 and 641 of the DOE Organization Act (42 U.S.C. 7151 and 7251) and 216(h) and 309 of the FPA (16 U.S.C. 824p(h) and 825h).

EPA

The authority for the EPA to enter into this MOU includes NEPA, the CWA, and the CAA.



CEQ

The authority for the CEQ to enter into this MOU is the NEPA(42 U.S.C. 4321 *et seq.*).

FERC

The authority for the FERC to enter this MOU includes section 309 of the FPA.

ACHP

The authority for the ACHP to enter into this MOU includes section 202 of the NHPA.

DOI

The authority for the DOI to enter into this MOU includes section 307(b) of the Federal Land Policy and Management Act of 1976 (43 USC § 1737(b)), the ESA (16 U.S.C. § 1531 *et seq.*), NEPA, the Migratory Bird Treaty Act (16 U.S.C. § 703 *et seq.*), the NPS Organic Act (16 U.S.C. §§ 1-3), the Indian Right-of-Way Act of 1948 (25 U.S.C. § 323 *et seq.*), the Act of June 17, 1902 (Reclamation Act), as amended and supplemented (43 U.S.C. § 391 *et seq.*), and Service First, §330, Pub. L. No. 106-291, as amended by §428, Pub. L. No. 109-54 and §418, Pub. L. No. 111-8.

V. LEAD AGENCY RESPONSIBILITIES

- A. Pre-Application Coordination: The Lead Agency will notify Participating Agencies of proposed Qualifying Projects in a timely manner and facilitate a pre-application meeting for prospective applicants and relevant federal and state agencies and Tribes to communicate key issues of concern; explain applicable processes; outline the data requirements and applicant submissions necessary to complete the required Federal Agency Reviews in a timely manner; and establish schedules. Upon the request of the applicant, the Lead Agency will coordinate with Participating Agencies and will provide appropriate follow-up information to the applicant within 60 days of the meeting.
- B. Consultation with Cooperating Agencies: The Lead Agency will consult fully with the Cooperating Agencies throughout the Federal Agency Review Process to improve coordination, identify and obtain relevant data in a timely manner, set schedules, and identify and expeditiously resolve issues or concerns. If disputes remain unresolved, the dispute resolution process described in section IX.J may be used.
- C. Schedule: The Lead Agency will consult with DOE, the Qualifying Project applicant, other affected parties, and Cooperating Agencies to establish an efficient project schedule. The Cooperating Agencies will work diligently to comply with the agreed-upon timeline, to the extent consistent with applicable law. Cooperating Agencies will make necessary decisions, within their respective authorities, regarding federal approvals in accordance with the following time-lines: 1) when an environmental assessment and finding of no significant impact



- is determined to be the appropriate level of review under NEPA, within one year of acceptance of a completed application, or 2) when an Environmental Impact Statement (EIS) is required pursuant to NEPA, within 1 year and 30 days after the close of the public comment period for a draft EIS. If a Participating Agency is unable to meet an applicable deadline, it will promptly notify the Lead Agency, Cooperating Agencies, the applicant and other relevant parties, explain the reason for delay, and propose a new projected completion date. If the Lead Agency determines that such delay will result in a substantive change to the project schedule, the Lead Agency will justify such change in writing to DOE.
- D. NEPA and Other Environmental Compliance: The Lead Agency will prepare a unified environmental review document for each Qualifying Project application, incorporating, to the maximum extent practicable, a single environmental record on which all entities with authority to issue authorizations for a given project can base their decisions.
- E. Consolidated Administrative Record: The Lead Agency will maintain a consolidated administrative record of the information assembled and utilized by the Cooperating Agencies as the basis for their decisions.
- F. Electronic Format and Data Standards: The Lead Agency will, to the extent practicable and consistent with federal law, ensure that all project data are submitted and maintained in electronic geospatial formats or other generally-accessible electronic forms (e.g., geographic information system data must include metadata descriptions meeting Federal Geographic Data Committee standards); will compile and make available the information assembled and utilized by the Cooperating Agencies; and as appropriate, provide public access to the data by maintaining on the agency website information and links to the information available from all Cooperating Agencies.
- G. Implementing Procedures: The prospective Lead Agencies will coordinate and establish necessary agency procedures to implement their responsibilities when designated as Lead Agency.
- VI. COORDINATED Bureau of Land Management (BLM) and U.S. Forest Service (USFS) AUTHORITY
- A. Authorizing Officer: For those Qualifying Projects crossing BLM and USFS lands, the BLM and the USFS will select an Authorizing Officer (AO) in accordance with "Service First" authority. The AO may come from either agency. The AO has the authority and responsibility to supervise the work of BLM and USFS personnel on project teams and to issue the right-of-way and temporary use permits on federal lands administered by the BLM or the USFS.



- B. Project Manager: The AO will select a Project Manager for each Qualifying Project. The Project Manager will have the authority and responsibility to oversee the project and to facilitate issuance of the relevant final authorizing document(s) (e.g. permit(s)) for the project.
- C. Project Teams: The AO will establish the project team consisting of qualified specialists from the Lead Agency and Participating Agencies to assist in the project review. The Project Manager will oversee the work of such teams and elevate to appropriate line officers the need for additional resources or schedule adjustments.
- D. Cost Recovery Account: The BLM, USFS, and Participating Agencies will, consistent with relevant law, fund their costs for each project through cost-recovery funds.

VII. RESPONSIBILITIES OF PARTICIPATING AGENCIES

When a Participating Agency is contacted regarding an application for siting a transmission line on federal land, and the Participating Agency determines that it may be a Qualifying Project, the Participating Agency will consult with other relevant Participating Agencies regarding recommendations for Lead Agency designation.

A. USDA

The USDA will fulfill the responsibilities of the Lead Agency, in accordance with section IV of this MOU. The USDA will participate fully in the application and permit process whenever its lands are involved.

USFS

The USFS will fulfill the responsibilities of the Lead Agency in accordance with section IV of this MOU. The USFS AO may issue permits for transmission lines on federal lands administered by the BLM or USFS, under the Service First initiative.

B. DOC

The DOC will participate in the application and permit process whenever and to the extent that resources subject to its jurisdiction are involved, including consultations pursuant to the ESA, the MSFCMA, and NMSA, and authorizations issued pursuant to the MMPA.

C. DoD

Consistent with its national defense mission, the DoD will participate fully in the application and permit process whenever its lands or other lands necessary for training, testing, and operations are identified as locations for qualifying transmission projects. The Lead Agency will consult with DoD



when applicants for transmission projects request use of DoD lands for transmission right-of-ways. DoD will determine whether proposed qualifying projects will adversely impact Defense activities and will work with the Lead Agency to identify measures to mitigate those impacts.

Army Corps of Engineers (USACE)

The USACE will determine whether qualified electric transmission proposals adjacent to Corps civil works water resources projects will adversely impact the project missions, resources and values of such projects, and will work with the Lead Agency to identify measures to avoid, minimize and mitigate those impacts.

The USACE has statutory permitting authorities under Section 404 of the CWA and Section 10 of the RHA. Under these authorities, the USACE is responsible for issuing permits for work involving the discharge of dredged or fill material into waters of the United States, including some wetlands, and for work in navigable waters. Whether a preferred alternative is located on Federal, state, or other public or private land, does not obviate the need for a project proponent to obtain a permit if the proposed work would result in impacts to aquatic resources or navigable water bodies. The Lead Agency shall consult with the USACE to determine if work associated with the construction of a transmission line may have impacts to jurisdictional waters under either statute. If it is determined that a project will have an impact to a jurisdictional area, or if a transmission line will span a navigable water body, the Lead Agency shall inform the project applicant that a USACE permit will likely be necessary. The Lead Agency should endeavor to include pertinent information in any environmental documentation prepared in compliance with NEPA in order to satisfy the USACE's NEPA requirements.

D. DOE

The DOE, having designated the Lead Agency herein, will provide expertise to assist the Lead Agency in determining the suitability of proposed qualifying projects, based on national goals and objectives; technical assistance with regard to evaluating transmission proposals, siting, and mitigation issues; and coordination with regional interconnect institutions, as needed, especially early in the planning process. To ensure adherence to applicable schedules, DOE will provide assistance to the Lead Agency in establishing the schedule and will approve any deviation in the established project schedule. The DOE will also maintain a publicly available website and links to the information available from all Participating and Cooperating Agencies.

E. EPA

The EPA will fulfill its responsibilities relevant to the siting of electric transmission facilities, including, but not limited to, commenting on EIS under section 309 of the CAA, and exercising the authority to participate in the CWA section 404 permit process and to restrict, in certain circumstances, the use of



specific disposal sites for dredged or fill material pursuant to Section 404(c). In this regard, EPA, in coordination with the USACE, will review electric transmission facility proposals that involve the discharge of dredged or fill material in waters of the United States for compliance with the CWA Section 404(b)(1) Guidelines. Additionally, EPA has authority to issue and/or review state and tribe-based permits under the CAA or for activities that involve discharges of pollutants subject to the requirements of the National Pollutant Discharge Elimination System, established under section 402 of the CWA.

F. CEQ

The CEQ will be available to assist in resolving any issues regarding the coordination of the environmental reviews required for siting and permitting qualifying projects.

G. FERC

The FERC will fulfill the responsibilities of the Lead Agency, in accordance with section IV of this MOU.

H. ACHP

The ACHP will be available to assist in resolving any issues regarding the coordination of the environmental reviews required for siting and permitting qualifying projects and to participate in consultation under Section 106 of the NHPA, as needed, in accordance with 36 CFR part 800 "Protection of Historic Properties."

I. DOI

The DOI will fulfill the responsibilities of the Lead Agency in accordance with section IV of this MOU. The DOI will also issue permits for transmission lines on the National System of Public Lands and National Forest System lands, under the Service First initiative, §330, Pub. L. No. 106-291, as amended by §428, Pub. L. No. 109-54 and §418, Pub. L. No. 111-8. Pursuant to the Service First initiative, the BLM may, through Fiscal Year 2011, issue right-of-way grants on National Forest System lands using relevant USDA authority and the USFS may issue grants on public lands using relevant BLM authority.

BLM

The BLM will, where appropriate, be the Agency within the DOI that is responsible for implementation of the duties described in this MOU.

U.S. Fish and Wildlife Service (FWS)

Consistent with its principal trust responsibility to protect and conserve migratory birds, threatened and endangered species, certain marine mammals, and inter-jurisdictional fish, the FWS will consult with applicants for transmission projects potentially affecting any of these resources. The FWS will also consult with



applicants on qualifying projects potentially affecting fresh water or marine resources and water quality. The FWS will determine whether proposed qualifying projects adjacent to national wildlife refuges will adversely impact the resources and values of such refuges, and will work with the Lead Agency to identify measures to mitigate those impacts.

Bureau of Indian Affairs (BIA)

The BIA will facilitate contact with tribes likely to be affected by qualifying transmission projects and ensure that tribal interests are represented and considered. The BIA will review and approve, as appropriate, rights-of-way across trust and restricted Indian land for transmission projects.

Bureau of Reclamation (BOR)

The BOR will coordinate discussions among the BLM, Federal Preference Power Customers, the Power Marketing Administrations within DOE, and Federal Project Use Customers to ensure minimal impacts to qualifying federal project operations and maintenance resulting from the construction and operation of new high-voltage transmission lines.

National Park Service (NPS)

The NPS will determine whether proposed qualifying projects adjacent to units of the National Park System will adversely impact the resources and values of such units, and will work with the Lead Agency to identify measures to mitigate those impacts.

United States Geological Survey (USGS)

The USGS will provide unbiased science and predictive understanding when needed to assist siting qualifying transmission infrastructure on federal lands, including impacts to the water, biology, energy, and mineral resources of those lands. As necessary, the USGS may develop and evaluate inventory and monitoring methods, protocols, experimental designs, analytical tools, and models to measure and assess the immediate and long-term effects of transmission infrastructure.

VIII. PARTICIPATING AGENCY AGREEMENTS

All Departments signatory to this MOU with their respective agencies, and the independent agencies signatory to this MOU, agree to the following:

- A. Agency Points-of-Contact (POC): Each Participating Agency will establish, for purposes of implementation of this MOU, a POC to assist with coordination of that agency's participation in future projects. The POC will assist with identifying and assigning appropriate personnel to the project and/or the project team; ensure that timelines are fairly negotiated and met; ensure that their



respective agency participation receives a high priority within the agency; ensure that project design, impact, and mitigation issues are recognized and addressed early in the project planning; and in other ways ensure that each project receives full and appropriate consideration of that agency's interests such that issues can be identified and resolved expeditiously as the project develops.

B. Cooperating Agencies: Cooperating Agencies should participate fully throughout the Federal Agency Review process as described below:

- (1) **Timely Coordination**: Cooperating Agencies will submit reviews in accordance with the timeline established by the Lead Agency after consultation with Cooperating Agencies.
- (2) **Personnel and Expertise**: Cooperating Agencies will provide personnel and/or expertise to the Lead Agency as agreed to during initial project negotiations.
- (3) **Provide Data and Studies**: Cooperating Agencies will be responsible for the provision of any information necessary to complete application reviews and authorizations in accordance with deadlines established by the Lead Agency after consultation with Cooperating Agencies.
- (4) **Communicate Effectively**: Each Cooperating Agency will assign a lead POC for coordination and consultation with the Lead Agency during the life of the project (from the point of initial application to the point of operation).
- (5) **Share Information and Data**: Each Cooperating Agency will share information and data with other Cooperating Agencies and, to the maximum extent practicable, submit information in a common standard for electronic record-keeping and analysis.
- (6) **Issue Resolution**: Cooperating Agencies will ensure that any issues or problems with the project or processes are brought to the immediate attention of the Lead Agency, and will participate fully in seeking and implementing resolution. The Lead Agency will inform Cooperating Agencies regarding new information and necessary changes related to the project.



IX. ADMINISTRATIVE PROVISIONS

- A. Nothing in this MOU is intended to or will be construed to limit or affect in any way the authority or legal responsibilities of the Participating Agencies.
- B. Nothing in this MOU binds the Participating Agencies to perform beyond their respective authorities.
- C. Nothing in this MOU may be construed to obligate the Participating Agencies or the United States to any current or future expenditure of resources in advance of the availability of appropriations from Congress. Nor does this agreement obligate the Participating Agencies, or the United States to spend funds on any particular project or purpose, even if funds are available.
- D. The mission requirements, funding, personnel, and other priorities of the Participating Agencies may affect their ability to fully implement all the provisions identified in this MOU.
- E. Specific activities that involve the transfer of money, services, or property between or among the Participating Agencies will require execution of separate agreements or contracts.
- F. Nothing in this MOU is intended to, or will, be construed to restrict the Participating Agencies from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
- G. This MOU is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- H. Any information furnished between the Participating Agencies under this MOU may be subject to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* (FOIA). The Participating Agencies agree to consult one another prior to releasing potentially privileged or exempt documents.
- I. All press releases and public statements issued by the Participating Agencies concerning or characterizing this MOU will be jointly reviewed and agreed to by delegated staff representing each of the undersigned signatories.
- J. All participants agree to resolve disputes expeditiously. If a dispute arises among the Participating Agencies regarding the terms or the implementation of this MOU, the following steps will be taken:
 - (1) The Participating Agency that seeks resolution will provide a written statement of its dispute, along with any rationale or supporting



documents, to the other Participating Agencies and DOE within 5 working days. The Participating Agencies and DOE will engage in discussions in an attempt to arrive at a consensus and resolve the dispute;

- (2) If no resolution is reached within 10 calendar days of receipt of the statement of dispute, the dispute may be elevated in writing, along with any rationale or supporting documents to the relevant Participating Agencies' respective headquarters-level officials or their designees and CEQ. The principal contacts for the parties will engage in discussions to seek consensus;
- (3) If consensus is not reached by the headquarters-level officials within fifteen working days of their receipt of the written statement of the dispute, the Participating Agencies will promptly elevate the matter to the principal policy makers for the respective Participating Agencies and the CEQ Chair who will endeavor to resolve the matter within 20 working days;
- (4) The time limits in paragraph (2) may be extended on the agreement of the parties to the dispute. The parties may employ an agency dispute resolution services office to assist in the resolution of disputes. Disputes will be resolved within sufficient time to enable completion of decisions within the deadlines established by the Lead Agency in consultation with the relevant Participating Agencies; and
- (5) Any Participating Agency that learns of an applicant or state's intent to appeal any matter under subsection 216(h)(6) of the FPA will immediately notify the principal policy makers of the affected Participating Agencies and CEQ Chair who will engage the applicant or state in discussions to resolve the matter.

- K. Periodic meetings of the Participating Agencies will be scheduled to review progress and identify opportunities for advancing the purposes of this MOU.
- L. A Participating Agency may terminate participation in this MOU 120 days after providing written notice to the other Participating Agencies.
- M. A Participating Agency may amend or modify this MOU through agreement among all Participating Agencies.
- N. This MOU is not intended to authorize the siting of any electric transmission facility within the boundaries of any unit of the National Wildlife Refuge System, National Park System, or National Marine Sanctuary System.
- O. This MOU is not intended nor will it be interpreted to alter or diminish the consultation responsibilities of federal agencies under Section 7(a)(2) of the ESA or the NHPA.



X. PRINCIPAL CONTACTS

Each Participant hereby designates the following federal employees as the principal contacts regarding this MOU. These contacts may be changed through written notice to each Participant and Participating Agency

- DOE: Director of the Office of Electricity Delivery and Energy Reliability
- FERC: Director of the Office of Energy Projects
- DOC/NOAA: Deputy General Counsel
- DOD: Deputy Undersecretary of Defense for Installations and Environment
- DOD/USACE: Assistant Secretary of the Army for Civil Works
- EPA: Director of the Office of Federal Activities
- DOI: Assistant Director for Minerals and Realty, Bureau of Land Management
- CEQ: Associate Director for NEPA
- USDA/FS: Assistant Director of Lands, Forest Service
- ACHP: Director of the Office of Federal Agency Programs

XI. TERM OF THE AGREEMENT

This MOU will take effect on the date of the last approving signature specified below.



XII. SIGNATORIES

By: Ashton B. Carter

Date: OCT 23 2009

ASHTON B. CARTER
UNDER SECRETARY OF DEFENSE
ACQUISITION, TECHNOLOGY & LOGISTICS

Tom Vilsack

By:

Date: October 23, 2009

TOM VILSACK
SECRETARY OF AGRICULTURE

By: Ken Salazar

Date: OCT 23 2009


KEN SALAZAR
SECRETARY OF THE INTERIOR

By: Gary F. Locke
GARY F. LOCKE
SECRETARY OF COMMERCE

Date: Oct 22, 2009



By:  Date: 10/23/09
JON WELLINGHOFF
CHAIRMAN, FEDERAL ENERGY REGULATORY COMMISSION

By:  Date: October 23, 2009
LISA P. JACKSON
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

By:  Date: October 23, 2009
NANCY H. SUTLEY
CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY

By:  Date: October 22, 2009
JOHN L. NAU
CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: October 23, 2009
DR. STEVEN CHU
SECRETARY OF ENERGY