PERMITTING ISSUES IN RURAL CLEAN ENERGY DEVELOPMENT

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Northwest Bioenergy Summit

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Legislative Background

- Report to Interagency Clean Energy Siting Council per RCW 43.394.020(3)(a).
- Available at: https://www.bdlaw.com/news/bd-lawyers-author-report-recommending-permitting-reforms-to-help-washington-state-meet-its-strict-decarbonization-goals/

Report Methodology

- ✓ Consult with B&D experts
- ✓ Review laws from other states & jurisdictions
- ✓ Review studies and reports
- ✓ Interviews with developers, environmental groups, government agencies, permitting experts

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Problems We Identified

Rapid buildout of green infrastructure required

But permitting processes can be:

- Very time consuming
- Very expensive
- Unpredictable
- Putting needed investment at risk

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Searching for the "Goldilocks Zone"

"There is growing understanding that an unnecessarily slow environmental review process produces worse environmental outcomes, rather than better. America's current permitting process helps to lock-in the status quo of energy infrastructure by hamstringing new development and improvements. With drastic scaleup of clean energy technologies needed, reforming the permitting process can align both the desire for improved environmental outcomes and energy sector growth by unlocking a wave of more sustainable project development. This approach requires recognizing that some historical arguments against permitting reform need to be reconsidered, while also acknowledging the importance of a clear, transparent review process for projects to ensure safety."

Bipartisan Policy Center, *Finding the Goldilocks Zone: A Synthesis Report Based on Seven Roundtable Discussions* (January 2024).

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Proposed Solutions: All Permits

Personnel

SEPA Reforms

- Time limits
- Page limits
- EJ/SEPA Integration
- Non-Project Reviews

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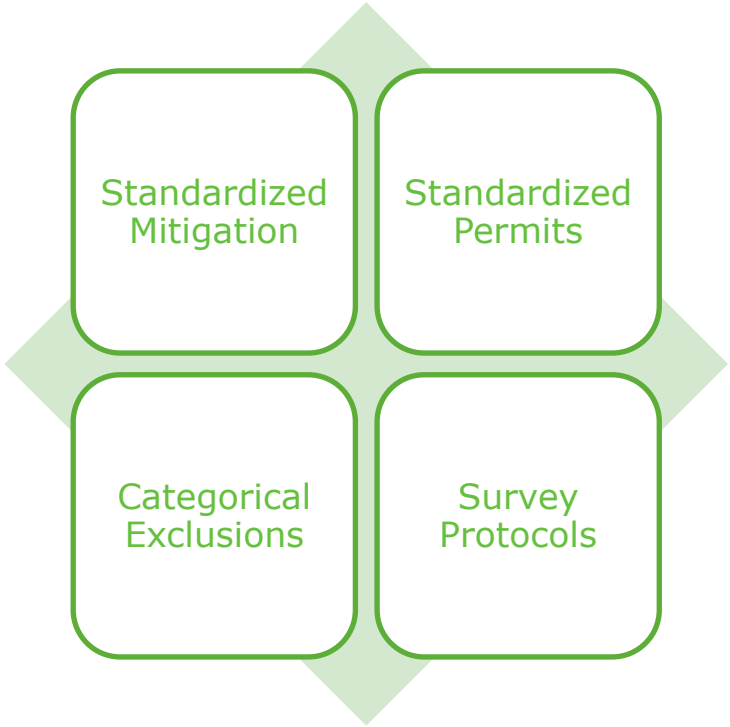
Proposed Solutions: All Permits



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Proposed Solutions: Permitting Oversight

Permitting Dashboard/Project Management

Information Clearinghouse

- Mapping
- Least-Conflict Processes
- Renewable Energy Zones
- Technical Assistance
- Pre-Application Roundtable
- Standardized CBAs & Labor Agreements

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Proposed Solutions: EFSEC

- Clear Legal Standard
- Independent Decision-Makers
- Technology-Specific Standards
- Mediation

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Proposed Solutions: Local Permitting

- Capacity Building/Information
- Maximum Setbacks
- Limits on Moratoriums
- Time Limits
- Transmission Corridors

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Proposed Solutions: WA Renewable Energy Authority

- Transmission Planning/Coordination
- Transmission Corridors/REZ
- Build-Ready Renewables Process
  - Focus on brownfields & degraded lands
  - Obtain all permits
  - Auction to developers

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Rural Clean Energy: Transmission

- Electric Transmission
  - Transmission Authority
  - Transmission Corridors
  - Streamlined Permitting
  - Rights of Way
- Gas Transmission
  - Rights of Way

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Expediting Permitting

- Standardized Permitting
- Non-Project Review
- County Permits
  - Model ordinance
  - Time limits
  - Moratorium limits

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Information Clearinghouse

- Information Assistance to Counties/Tribes
- Information to Developers
  - Bioenergy Zones
  - Transmission Information
  - Permitting Guidance
- Pre-Permitting Consultation

Questions?

Thank you!

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