



File Code: 2770

Date: September 21, 2011

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Ms. Bose:

The U.S. Forest Service would like to thank the Federal Energy Regulatory Commission (Commission) for undertaking a review of its Integrated Licensing Process (ILP). The Forest Service appreciates the opportunity to comment on the ILP through interviews, teleconferences, regional workshops, and the technical conference. The Forest Service also commends the Commission for developing an action plan, which includes updating the *Understanding the Study Criteria* guidance document. In support of the Commission's goal of making the ILP more predictable, timely, and efficient; the Forest Service offers the following recommendations for the Commission's consideration for inclusion in the guidance document:

1. An introductory section in the guidance document explaining the purpose of the study plan phase of the ILP should be considered;
2. The Commission should clarify that it views direct, indirect, and cumulative effects as important—not just direct effects. The Commission should provide more clarity regarding the attributes it considers in determining project nexus by describing the key characteristics in determining if a proposed study fulfills the project nexus threshold;
3. The Forest Service commends the Commission for committing to providing more detailed explanations of its study plan determinations and explaining its rationale for rejecting a study request. The Commission should consider the recommendations in the accompanying attachment. The study plan determination should also address the CEQ requirements at 40 CFR §1502.22 regarding incomplete or unavailable information by clarifying that requested additional information (via studies), supported by credible scientific evidence, is not necessary for a well-reasoned choice among alternatives considered. The CEQ regulations require that an agency (Commission) is to include incomplete information if it is relevant to reasonably foreseeable significant adverse impacts essential to reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant. The ILP would likely be more predictable if stakeholders had a better understanding of the reasons for rejecting a study request. Additionally, a detailed explanation of why the Commission rejected certain study requests will allow the Forest Service to better understand the kind of information the Commission needs for approval and avoid disputes while improving the study request process;



4. The Commission should clarify that field studies are appropriate when requests for such studies demonstrate that literature reviews are inadequate to provide the information necessary for the Commission's deliberative process and/or public communication of the environmental consequences of the Commission's actions; and
5. To properly scope the effects of project and facility construction and/or operation, the Commission should provide for project-operation studies to potentially trigger additional studies under a phased approach. The Commission has approved phased-studies as part of the first-season of studies and should include the phased-approach in an approved schedule, clarifying that phased-studies are not subject to the existing process to propose and approve the second season of studies as described in 18 C.F.R. §§ 5.15(d) and (e).

The Forest Service urges the Commission to adopt these recommendations to provide clarity and decrease the likelihood of disputes regarding requested studies. We look forward to working with your staff as they incorporate these recommendations into the Commission's new guidance document.

Sincerely,

*/s/ Robert S. Cunningham*  
ROBERT S. CUNNINGHAM  
Acting Director of Lands and Realty Management

Enclosure