

**FSM 2700 - SPECIAL USES MANAGEMENT
CHAPTER 2720 - SPECIAL USE ADMINISTRATION**

2726.43k - Use of 368 Corridors In Siting Energy Projects

The Secretary of Agriculture in 2009 designated Section 368 energy corridors on NFS lands in 10 of the 11 contiguous western states through amendment of land management plans. A Settlement (available at the West-wide Energy Corridor website www.corridoreis.anl.gov) reached with environmental groups in a lawsuit against the agencies involved in the Section 368 corridor designation required that the Forest Service (and the BLM) review the corridors for environmental and project feasibility and to provide direction to agency field units on use of the corridors.

Consistent with the Settlement, as well as FLPMA, the Energy Policy Act of 2005, the Secretary's 2009 record of decision, and the 2013 Presidential Memorandum "Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review," the following provisions direct the use of Section 368 corridors, including Corridors of Concern (COCs).

1. All Section 368 corridors designated by the Forest Service must be considered as the primary agency alternative for siting of energy transmission and distribution projects including electric power lines, and oil, gas and hydrogen pipelines. When evaluating proposals for siting energy projects and for ongoing corridor use and modifications, including revisions, deletions, and additions to the corridors, Line Officers shall consider:
 - a. Location of corridors in favorable landscapes.
 - b. Facilitation of renewable energy projects where feasible.
 - c. Avoidance of environmentally sensitive areas to the maximum extent practicable.
 - d. Minimize the proliferation of dispersed rights-of-way crossing the landscape.
 - e. Improvement of the long-term benefits of reliable and safe energy transmission.

When undertaking land use plan amendments to consider revisions, deletions, and/or additions to Section 368 corridors, the planning process, at a minimum, must meet the requirements specified in Section 368 of the Energy Policy Act and must consider the corridor siting principles in section 1.c of the Settlement (Section 368 corridors may not be deleted or altered without prior coordination with the Director of Lands and Realty Management on behalf of the Deputy Chief for NFS).

2. Implementation of IOPs. The Section 368 corridor designation called for the use of IOPs for projects sited within Section 368 corridors. Use of the IOPs is intended to expedite the permitting process by reducing duplication, increasing coordination, and

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ensuring consistency among Federal agencies. The IOPs provide uniform processing and performance criteria for energy transportation rights-of-way during project planning, construction, operation, and decommissioning.

Line Officers shall ensure applicable IOPs are used to the maximum extent for projects sited within Section 368 corridors. Line Officers should also consider use of relevant IOPs for major linear rights-of-way proposed outside of Section 368 corridors. Applicants may voluntarily include applicable IOPs as part of their application (e.g. Plan of Development) or Line Officers may require their use through analysis in the NEPA document and inclusion in final decisions and authorization documents (for example, Decision Record/Record of Decision, Right-of-Way Grant).

3. Using Corridors of Concern. If a project proponent proposes to site a project, in part or in whole, within a COC, the Line Officer shall notify the project proponent, in writing, that a COC is involved and that siting within COCs may:
 - a. Be challenged in court.
 - b. Involve significant environmental impacts and the preparation of an EIS.
 - c. Involve substantially increased or extensive mitigation measures such as regional or off-site mitigation to compensate for impacts to sensitive resources.
 - d. Include consideration of alternatives outside the corridor.
 - e. Include amendment of the applicable land use plan to modify or delete the corridor of concern and designate an alternative corridor.

If a decision is made to consider using a COC, the deciding Line Officer will identify during the pre-application process and the public scoping process the site specific resource concerns noted by the plaintiffs and encourage project proponents to avoid or minimize siting projects with potential impacts to these concerns.

If the Line Officer determines there are site specific constraints within a corridor (for example, required separation distances to meet electric reliability standards, engineering constraints, and so forth), the Line Officer will require the proponent to site the project as close as practical to Section 368 corridors or within or adjacent to other designated corridors, existing linear ROWs or previously disturbed lands.

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NEPA Compliance for Projects within Section 368 Corridors. Projects proposed within Section 368 corridors still require project-specific, site-specific environmental review pursuant to the NEPA, regulations at 40 C.F.R. § 1502.20 and 40 C.F.R. § 1508.28 and FSH 1909.15-10 Environmental Analysis. When making final decisions to approve or deny a project, approving officials must not rely solely on the analysis from the FPEIS for designation of the Section 368 corridors. Tiering to the FPEIS, by itself, will be insufficient NEPA compliance to accompany any subsequent ROW project in a Section 368 corridor. Line Officers will encourage "incorporation by reference" of data and studies in the final PEIS - such as the cumulative effects analysis - and other relevant documents, as appropriate for individual projects and consistent with NEPA regulation, in order to reduce bulky and redundant studies.

In assessing the scope of environmental review for projects proposed to be located within Section 368 corridors, Line Officers shall consider whether use of the corridor is appropriate in the context of the site-specific project. If it is determined that the location of the designated 368 coordinator needs to be significantly modified or an alternate corridor designated, the Line Officer will submit a proposal to the Director of Lands and Realty Management on behalf of the Deputy Chief for NFS for review and consideration.

If a proponent proposes to site a project within a COC, the Line Officer will consider alternatives to the proposed location in the site-specific NEPA document. The consideration of alternatives must be reflected in the NEPA document as an alternative carried forward for detailed analysis or as an alternative considered for detailed analysis but not fully analyzed, as determined in accordance with applicable law, regulation, and policy.