

National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change

Council on Environmental Quality, CEQ–2022–0005

COMMENTS OF THE AMERICAN COUNCIL ON RENEWABLE ENERGY

The American Council on Renewable Energy (ACORE) appreciates the opportunity to provide comments on the Council on Environmental Quality (CEQ) interim guidance for analyzing greenhouse gas (GHG) and climate change effects of proposed actions under the National Environmental Policy Act (NEPA).¹

ACORE broadly supports many facets of the interim guidance, including the early integration of GHG and climate change considerations into the planning of projects and identification of alternatives, the use of a life cycle approach, and incorporation of environmental justice. Moreover, ACORE strongly supports two provisions -- the applicability of a rule of reason for analyses of renewable energy projects and the use of a programmatic approach. Each of these is discussed below.

I. RULE OF REASON

The guidance provides the following explanation of the use of the rule of reason in evaluating GHG and climate change impacts for renewable energy projects:

The rule of reason and the concept of proportionality caution against providing an in-depth analysis of emissions regardless of the insignificance of the quantity of GHG emissions that the proposed action would cause. For example, some proposed actions may involve net GHG emission reductions or no net GHG increase, such as certain infrastructure or renewable energy projects. For such actions, agencies should generally quantify projected GHG emission reductions, but may apply the rule of reason when determining the appropriate depth of analysis such that precision regarding emission reduction benefits does not come at the expense of efficient and accessible analysis.

Absent exceptional circumstances, the relative minor and short-term GHG emissions associated with construction of certain renewable energy projects, such as utility-scale

¹ 88 FR 1196, January 9, 2023 (“Interim Guidance”).

solar and offshore wind, should not warrant a detailed analysis of lifetime GHG emissions.²

While ACORE supports the need for a fulsome analysis of the GHG and climate change impacts over the life of the project subject to NEPA, we agree that renewable energy projects should not be required to undertake a lengthy detailed analysis of such impacts. Given the significant need for a decarbonized energy grid to achieve a meaningful reduction in GHGs and mitigate the impacts of climate change, it is essential that the NEPA process does not create any additional burdens that could delay the environmental benefits of renewable energy development.

A reasonable presumption can be made that renewable energy, storage and transmission expansion projects have *de minimus* or negative contributions to greenhouse gas emissions. There is a significant body of evidence demonstrating that there are minimal or no GHG emissions from renewable and storage projects. The National Renewable Energy Laboratory (NREL) conducted an assessment of multiple life cycle analyses of electricity generation, and selected those that met strict criteria for quality, relevance, and transparency.³ By harmonizing the results of these selected studies, NREL found that the life cycle carbon emissions of renewable energy generation, including resource extraction, manufacturing, operation, dismantling and decommissioning, have a *maximum* value of about 200 grams of carbon dioxide equivalent per kilowatt-hour compared to 1,000 grams for natural gas-fired generation. The *median* values ranged only from 13 to 38 grams, compared to 486 for natural gas. Moreover, these emissions levels are likely to decrease as renewable resource capacity factors improve

² Interim Guidance at 1202.

³ National Renewable Energy Laboratory, *Life Cycle Greenhouse Gas Emissions from Electricity Generation: Update* (September 2021), available at: <https://www.nrel.gov/docs/fy21osti/80580.pdf>.

through greater hybridization and colocation with storage resources, and the expansion of transmission to access the diversity of different renewable resources.⁴

ACORE also recommends that the rule of reason apply to transmission expansion and standalone, collocated and hybrid storage projects. Transmission expansion projects, especially high voltage interregional lines, are primarily being planned to deliver energy from new renewable resources to population centers. The Department of Energy's Draft National Transmission Needs study found that under a moderate load and high clean energy future, as enabled by all currently enacted laws, a 57 percent growth in the transmission system would be required, with more significant increases in interregional transmission.⁵

Similarly, storage is fundamentally intertwined with the projected growth of renewable energy. An analysis of the value of storage by NREL shows that this storage plays multiple roles in reducing GHG emissions, including by providing firm capacity that replaces natural gas generation and reducing the curtailment of renewable resources.⁶

II. PROGRAMMATIC ANALYSES

The use of a tiered, programmatic analysis for NEPA studies creates efficiencies and reduces the time needed to conduct environmental analyses by using a single study to address common areas of analysis applicable to multiple projects, combined with project-specific tiered analyses.⁷ CEQ notes the following regarding programmatic analyses in its interim guidance:

⁴ *Ibid.*

⁵ U.S. Department of Energy, *National Transmission Needs Study – Draft for Public Comment* (February 2023) at 106, available at: <https://www.energy.gov/sites/default/files/2023-02/022423-DRAFTNeedsStudyforPublicComment.pdf>

⁶ Blair, Nate, Chad Augustine, Wesley Cole, et al; National Renewable Energy Laboratory, *Storage Futures Study: Key Learnings for the Coming Decade* (2022), available at: <https://www.nrel.gov/docs/fy22osti/81779.pdf>

⁷ See for example, Progressive Policy Institute, *America's Clean Energy Transition Requires Permitting Reform: Policy Recommendations for Success* (September 2022) available at:

In the context of long-range energy, transportation, resource management, or similar programs or strategies, an agency may decide that it would be useful and efficient to provide an aggregate analysis of GHG emissions or climate change effects in a programmatic analysis and then incorporate it by reference into future NEPA reviews. Under such an approach, an agency conducts a broad-scale programmatic NEPA analysis for decisions such as establishing or revising the USDA Forest Service land management plans, Bureau of Land Management resource management plans, or Natural Resources Conservation Service conservation programs. Subsequent NEPA analyses for proposed site-specific decisions—such as proposed actions that are consistent with land, aquatic, and other resource management plans—may be tiered from the broader programmatic analysis, drawing upon its basic framework analysis to avoid repeating analytical efforts for each tiered decision.⁸

CEQ includes “siting and constructing transmission lines; siting and constructing wind, solar or geothermal projects” as among those projects that may benefit from a programmatic NEPA review.”⁹

While reiterating that the rule of reason should be used to avoid a lengthy analysis of GHG and climate change impacts of renewable energy, storage and the majority of transmission projects, ACORE strongly supports the use of a programmatic NEPA analysis as another mechanism for creating efficiencies in the analytical workload.

III. CONCLUSION

ACORE strongly supports the provisions of the interim guidance that reduce impediments to and speed the time for the completion of projects that will accelerate the decarbonization of the electric grid. We therefore urge that the rule of reason and use of programmatic analyses be incorporated into the final guidance.

<https://www.progressivepolicy.org/publication/americas-clean-energy-transition-requires-permitting-reform-policy-recommendations-for-success/>

⁸ Interim Guidance at 1210.

⁹ Interim Guidance at 1211.

Respectfully Submitted,

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