

P.J. Dougherty, Vice President  
Strategic Marketing Innovations

Testimony on  
Bills to Streamline Renewable Energy Production  
on Federal Lands and Create Jobs

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Chairman Hastings, Ranking Member Markey, and other members of the Subcommittee, it is my pleasure to appear before you today to give testimony on a series of bills put forth by the Committee to accelerate the deployment of renewable energy technologies on federal lands. Thank you, along with your staff, for your efforts on this legislation.

My name is P.J. Dougherty, and I am a Vice President with Strategic Marketing Innovations Inc., a government relations and federal marketing firm in Washington, D.C. Our firm represents numerous clients in the renewable energy arena, including the Ocean Renewable Energy Coalition. The Ocean Renewable Energy Coalition is the only national trade association exclusively dedicated to promoting marine and hydrokinetic renewable energy technologies from clean, renewable ocean resources. Founded in April of 2005, the Coalition has grown to over 50 members.

I will be speaking today on how these bills could impact our nation's ability to accelerate renewable energy technology development, demonstration and deployment on federal lands. I will also share my thoughts on the role of the federal government as a whole in achieving our national energy, economic, environmental and national security goals.

My testimony is based on nearly 20 years as a senior official at the U.S. Department of Energy (DOE), with a focus on clean energy technologies and practices. During my time at DOE, I served in a variety of positions, including Deputy Chief of Staff for the Office of Energy Efficiency and Renewable Energy, Acting Program Manager for the Wind and Water Power Program, and National Coordinator of the Wind Powering America Deployment Program. I also worked across the EERE portfolio to engage and coordinate with other agencies on overlapping mission areas, including the Departments of Agriculture, Commerce, Defense, Interior and Transportation.

#### Renewables Overview

The U.S. is blessed with abundant renewable resources on public lands. According to the U.S. Department of the Interior's Bureau of Land Management, renewable resources on public lands are estimated to potentially generate 2.9 million MW of solar, 206,000 MW of wind, and 39,000 MW of geothermal energy. While this entire resource is not likely to be developed in our lifetimes, it represents a game changer for our nation's energy, economic, environmental and

national security. Clearly, renewable energy can play a significant role in expanding our homeland energy supply and the power needs of our military facilities around the world.

Federal commitment to creating a robust U.S. renewable energy industry will advance our national economic goals by creating high-quality employment in rural communities, new sources of revenues for all levels of government, long-term investment in supporting infrastructure, and strengthening the thousands of businesses that make up the U.S. energy and industrial supply chain. However, it will take a concentrated and committed effort combining investment in research and development, effective regulatory policies, and coordinated federal processes to make these goals a reality.

### Proposed Legislation

The bills before us today, as written, would take a significant step forward towards increasing the development of renewables on federal lands. The bills are measured in their reach and scaled to allow timely testing and resource assessments while still ensuring protection of the environment and our natural resources. In general, these critical first steps in developing any energy project would be advanced in a timely and predictable manner by removing a level of uncertainty that exists within today's numerous regulatory frameworks. This uncertainty is the primary disincentive to further public and private investment in the development and deployment of new energy generation technologies.

I would like to offer some specific thoughts on each of the bills and then close by offering my opinion on the larger role of government in developing and deploying cleaner energy technologies.

#### H.R. 2170 – Streamlining Federal Review to Facilitate Renewable Energy Projects.

H.R. 2170 aims to focus NEPA requirements on proposed energy projects in federal lands and waters. The bill would also set a reasonable limit on comment periods and provides clear definitions of qualified renewable technologies within the scope of H.R. 2170. While I believe the majority of project developers and investors would find reason to support this language, it may be subject to legislative and legal challenge by other interested stakeholders. The Subcommittee may want to consider adding language advocating for an adaptive management approach similar to that contained in S.630, the Marine and Hydrokinetic Renewable Energy Promotion Act of 2011, which is pending floor action in the Senate. This language would ensure the intent of H.R. 2170 is applied to accommodate different sizes of pilot projects across technologies. The Subcommittee should also consider replacing “tidal or kinetic forces” with “marine and hydrokinetic energy,” the statutory definition used in EISA 2007 to refer to ocean, tidal, and wave technologies.

#### H.R. 2171 – Promoting the Timely Exploration of Geothermal Resources under Existing Geothermal Leases.

H.R. 2171 seeks to ease the regulatory burdens related to geothermal resource assessments to those tests and explorations that are very limited in areas affected and overall scope. The bill also sets timetables for federal officials to act on applications and would focus the consideration of NEPA requirements. H.R. 2171 is a reasonable fix given its limited scope. However, I would

recommend the Subcommittee work closely with the Department of Energy and the geothermal industry to determine if the well depth limit under Sec. 2 (a)(3)(A) is adequate to meet the goals of the legislation.

#### H.R. 2172 – Facilitate the Development of Wind Energy Resources on Federal Lands.

H.R. 2172 is focused primarily on allowing installation of onshore wind resource assessment equipment with provisions similar to H.R. 2171 regarding NEPA requirements scaled to project impact size and scope. The bill would also protect the data collected, thus protecting the investment of the project proposer. I would recommend the Subcommittee consider modifying this language to allow a two track system of data collection and disclosure, based on whether or not federal funds are used to collect the data.

#### H.R. 2173 – Facilitate the Development of Offshore Wind Energy Resources.

H.R. 2173 is focused on allowing installation of offshore wind and other renewable resource assessment equipment and mirrors the provisions contained in H.R. 2171 and H.R. 2172. It also prescribes the process for decommissioning of testing equipment and remediation of affected areas, refocuses NEPA requirements given scale and scope, and sets timetables for federal officials to act on applications for resource assessments. The bill also protects data collected as in H.R. 2172. While I would recommend the Subcommittee adopt this provision, the Subcommittee may wish to rename this bill the Offshore Renewable Testing Act, as it does include other technologies beyond offshore wind, including marine hydrokinetic energy technologies. The Subcommittee may also want to clarify that wave and ocean energy technologies are qualified under the definition of offshore energy resources and that the bill applies to collection of water energy flows as well as meteorological data. Finally, I would also recommend engaging the offshore wind development community and the Department of Energy's Wind Program to determine if the language under Sec. 2 (a) (1) (B) related to areas affected at the seabed is adequate to achieve the goals of the legislation.

#### Larger Federal Role in Renewable Energy Development

While I believe these bills would play a significant role in removing barriers to project development and spur investment, the federal role goes beyond streamlining the regulatory regime. It includes ensuring a balanced investment in developing, testing and deploying advanced technologies as well as ensuring a clear, timely and predictable process for permitting and siting projects. The combination of proper policies, R&D investment, and process improvements are the key elements to demonstrate a national commitment to a balanced energy portfolio that utilizes our homeland resources. The combination also removes uncertainty from the market and sends a strong signal that the U.S. is and will remain a safe investment for innovative technology development, manufacturing and project development.

I would like to touch further on the important role the federal agencies and their dedicated staffs are playing in the renewable energy arena. To do so, I will borrow some language previously used in testimony in 2009 by James Dehlsen, father of the U.S. wind industry, and with whom I have had the honor of working with and for over the past few years.

First, the federal technology programs, particularly those at DOE, have over their 30-year history

directly enabled the development and commercialization of new energy technologies such as geothermal, solar, biomass, wind and marine hydrokinetics. The Department's management - political and career - and the technical experts at headquarters and the national laboratories can take much of the credit for helping to create today's global renewable industries. They closely collaborated with the emerging industry players to understand, and then mitigate risk; they requested the funds necessary to research, develop and demonstrate new technologies; they shared the pride when technology achieved commercial success and gritted through the setbacks along the way; and they promoted the new technologies, within the government, as well as the nation's utilities, and their consumers. They helped launch major industrial activity and large-scale renewable power generation.

Second, the Departments of Defense and USDA have both funded the development and deployment of renewable energy technologies for many years. They have also been in the forefront in recognizing the benefits to not only their mission areas but the nation and world in developing substitutes for fossil fuels for transportation as well as using homeland resources to generate electricity. DOD in particular has voiced the danger to their critical mission areas and, more important, their men and women in uniform, from continued reliance on non-renewable fuels, particularly in combat areas and forward operating bases.

Third, many other federal and state agencies have also played and will continue to play a significant role in the success we have made to date in alternative energy technologies. DOT/FAA, Commerce's NOAA and NTIA, USDA's Forest Service and many state energy and economic development offices have also contributed consistently over the years to developing our cleaner energy technologies. These partnerships, along with the U.S. generation, transmission and distribution industries, are all necessary to our success.

The legislation discussed today will build on these efforts to date and bring us steps closer to realizing a stronger economy, cleaner energy future, enhanced national securing and strengthened U.S. leadership in the global energy marketplace.

Thank you again for the opportunity to appear before you today and I am happy to take your questions.