

REGULATORY SIDE-BY-SIDE

**GOVERNING PERMITTING OF CROSS-BORDER ELECTRICITY
TRANSMISSION FACILITIES BETWEEN
THE UNITED STATES AND CANADA**

PREPARED UNDER THE AUSPICES OF

U.S. Canada MOU on Enhanced Energy Cooperation:
U.S. Department of Energy, Office of Electricity Delivery & Energy Reliability
Natural Resources Canada

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1.0 INTRODUCTION

1.1 Background

President Obama and Prime Minister Harper launched the U.S.-Canada Clean Energy Dialogue (CED) in February 2009 to encourage the development of clean energy technologies to reduce greenhouse gases and combat climate change in both countries. The CED is charged with: expanding clean energy research and development; developing and deploying clean energy technologies; and building a more efficient electric grid based on clean and renewable energy generation. The U.S. Department of Energy (DOE) leads the CED for the United States, and Canada's effort is led by Environment Canada, in partnership with Natural Resources Canada (NRCan).

DOE and NRCan co-chair three bilateral Working Groups which carry out this mandate in specific areas identified for enhanced bilateral cooperation: carbon capture and storage (CCS), clean energy R&D (in advanced biofuels, clean engines, energy efficiency, advanced transportation, marine energy, and other areas), and making the electricity grid a smart grid. Environment Canada co-chairs the Clean Energy R&D Working Group with NRCan.

DOE's Office of Electricity Delivery & Energy Reliability (OE) is the lead office in coordinating the Electricity Working group. On September 18, 2014, Secretary Moniz and the Canadian Minister of Natural Resources, Greg Rickford signed a memorandum of understanding MOU that builds from the work of the Clean Energy Dialogue. In the MOU, the two agencies agreed to complete activities that would lead to, "enhancing understanding of cross-border permitting regimes for electric transmission facilities". In order to complete that requirement of the MOU, this document has been developed which presents a series of side-by-side tables that describe the U.S. and Canadian regulatory and statutory requirements necessary to site, permit and construct transmission facilities at the U.S. – Canada border.

This Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada (Side-by-Side) is intended to function as a reference document that can be used by government officials, potential developers and other stakeholders as a means to understand the permitting requirements in both countries. The focus of this plan is on the national Canadian and U.S. regulations, as well as state and provincial/territorial regulations for all states, provinces and territories located along the border. As noted in Section 4.1, DOE staff have identified the next step to include the development of a dynamic website that would include "roadmapping" capability to tailor the types of permits necessary for a specific project, as well as timelines on when to file them.

1.2 U.S. and Canadian Participation in Side-by-Side Development

In addition to input from DOE OE, Environment Canada and NRCan, key stakeholders were contacted during development of the Side-by-Side, including representatives from industry and other agencies. The following stakeholders participated in the Side-by-Side:

Table 1. Side-by-Side Participants and Key Stakeholders

United States	Canada
<ul style="list-style-type: none"> • U.S. Department of Energy Office of Electricity Delivery and Energy Reliability (DOE OE) • National Association of Regulatory Utility Commissioners • Edison Electric Institute • Wires • National Rural Electric Cooperative Association 	<ul style="list-style-type: none"> • National Energy Board (NEB) • Environment Canada • Natural Resources Canada (NRCan) • Canadian Electricity Association (CEA) • Federal-Provincial–Territorial Electricity Working Group

2.0 ORGANIZATION AND USE OF THIS DOCUMENT

This regulatory Side-by-Side consists primarily of tables presenting the applicable statutes and regulations for national-level agencies, as well as for state, provincial and territorial agencies and entities. This Side-by-Side was developed in order to enhance understanding of cross-border permitting regimes for electric transmission facilities. A side-by-side table format was used in order to provide the reader with a jurisdictional comparison of the necessary rules, regulations and permitting requirements for cross-border transmission line siting, permitting and environmental reviews. The national-level table is followed by a series of state/province/territory tables, as described further below. The tables include citations for the applicable regulations and statutes, along with a summary of the regulated activity, the application procedure or process, public notification and public involvement requirements, high-level timing of permits and reviews, anticipated lifetime of granted permits and reporting requirements. The summary of information within the tables is supported by direct links to the applicable regulations, statutes, forms and standards where appropriate. In some instances webpage links are included in the table if the referenced information is extremely lengthy, or if the citation is to a webpage with a much broader application or explanation.

2.1 National Regulatory Agencies and Entities

The list of national-level regulatory agencies included in the Side-by-Side are summarized in Table 2 and include those agencies that are responsible for the oversight, review, permitting and approvals necessary to site, evaluate, permit, construct and operate a high-voltage transmission line within Canada and the United States. The national-level list of agencies includes utility commissions, environmental assessment agencies and environmental protection agencies that manage key resources such as fish, wildlife, wetlands and waters. It should be noted that in some instances, there is no equivalent agency in Canada to a particular U.S. agency. In addition to utility commissions and national environmental protection agencies, the national-level list includes entities responsible for oversight of First Nation and Tribal regulations and protections.

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Refer to Section 3.0 for Table 4, National Regulations – U.S. and Canada, and a brief description on how to navigate the side-by-side national regulations table.

Table 2. Regulatory Agencies and Entities - United States and Canada

Canada	United States
<ul style="list-style-type: none"> • National Energy Board (NEB) • Environment Canada • Department of Aboriginal Affairs and Northern Development Canada (AANDC) • Parks Canada Agency • Department of Fisheries and Oceans 	<ul style="list-style-type: none"> • Department of Energy (DOE) <ul style="list-style-type: none"> ○ Department of Defense (DoD) ○ Department of State • Environmental Protection Agency (EPA) • Bureau of Indian Affairs (BIA) • U.S. Forest Service (USFS) • U.S. Park Service • U.S. Fish and Wildlife Service (USFWS) • U.S. Army Corps of Engineers (USACE) • Bureau of Land Management (BLM) • Advisory Council on Historic Preservation (ACHP)

2.2 State and Provincial/Territorial Regulatory Agencies and Entities

The list of utility commissions and environmental regulatory agencies for cross-border states and provinces/territories are summarized in Table 3. The list includes agencies and entities responsible for the oversight, review, permitting and approvals necessary to site, evaluate, permit, construct and operate a high-voltage transmission line within the applicable Canadian and U.S. jurisdictions along the two-nation border. In addition to the state or provincial/territorial utility commissions and state- or province/territory-wide environmental review agencies, the list includes key resource-specific agencies that are responsible for review and permitting of potential effects to wildlife, wetlands and waters.

The jurisdictions shown in the side-by-side tables will vary depending upon which nation a transmission line project would originate. The tables in Section 3 are arranged by first looking at applicable jurisdictions for projects originating in the United States and heading north into Canada (south to north) and then are followed by presenting the same jurisdictions and regulations assuming a transmission line originates in Canada and heads south into the United States (north to south). The regulations, procedures, noticing, public involvement, filing, and timing for reviews and permits for any one jurisdiction may be presented in more than one table, depending on where it is located in relationship to other cross-border jurisdictions, however the information is exactly the same.

Refer to Section 3.0 for Tables 5-25, Regulations for the series of state/provincial/territorial regulations, as well as a brief description on how to navigate the side-by-side regulations tables.

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Table 3. Regulatory Agencies and Entities - States/Provinces/Territories

State/Province/Territory	Utility Commissions	State- or Province/Territory-level Environmental Assessment Responsibility	State- or Province/Territory-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, wetlands, water)
UNITED STATES			
Alaska	Regulatory Commission of Alaska		<ul style="list-style-type: none"> Alaska Department of Environmental Conservation Alaska Department of Fish and Game
Washington	Washington Utilities and Transportation Commission	Washington Department of Ecology	<ul style="list-style-type: none"> Washington Department of Ecology Washington Department of Fish & Wildlife
Idaho	Idaho Public Utilities Commission		<ul style="list-style-type: none"> Idaho Department of Environmental Quality Idaho Department of Fish and Game Idaho Department of Lands Idaho Department of Water Resources
Montana	Montana Public Service Commission	Montana Department of Environmental Quality	<ul style="list-style-type: none"> Montana Department of Natural Resources and Conservation Montana Fish, Wildlife & Parks
North Dakota	Public Service Commission, North Dakota		<ul style="list-style-type: none"> North Dakota Game and Fish Department
Minnesota	Minnesota Public Utilities Commission	Minnesota Department of Commerce	<ul style="list-style-type: none"> Minnesota Pollution Control Agency Minnesota Department of Natural Resources
Michigan	Michigan Public Service Commission		<ul style="list-style-type: none"> Michigan Department of Environmental Quality Michigan Department of Natural Resources
Ohio	Public Utilities Commission of Ohio		<ul style="list-style-type: none"> Ohio Environmental Protection Agency Ohio Wildlife Council

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Table 3. Regulatory Agencies and Entities - States/Provinces/Territories

State/Province/Territory	Utility Commissions	State- or Province/Territory-level Environmental Assessment Responsibility	State- or Province/Territory-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, wetlands, water)
Pennsylvania	Pennsylvania Public Utilities Commission		<ul style="list-style-type: none"> • Pennsylvania Department of Environmental Protection • Pennsylvania Fish & Boat Commission • Pennsylvania Game Commission
New York	New York Public Service Commission	New York Department of Environmental Conservation	<ul style="list-style-type: none"> • New York Department of Environmental Conservation
Vermont	Vermont Department of Public Service		<ul style="list-style-type: none"> • Vermont Department of Environmental Conservation • Vermont Fish & Wildlife Department
New Hampshire	New Hampshire Public Utilities Commission		<ul style="list-style-type: none"> • New Hampshire Department of Environmental Services • New Hampshire Fish and Game
Maine	Main Public Utilities Commission		<ul style="list-style-type: none"> • Maine Department of Environmental Protection • Maine Department of Inland Fisheries & Wildlife
CANADA			
Yukon	Yukon Utilities Board	Yukon Environmental and Socio-economic Assessment Board	<ul style="list-style-type: none"> • Environment Yukon
British Columbia	British Columbia Utilities Commission	British Columbia Environmental Assessment Office	<ul style="list-style-type: none"> • British Columbia Ministry of Environment
Alberta	Alberta Utilities Commission	Alberta Environment Sustainable Resource Development	<ul style="list-style-type: none"> • Alberta Environment and Sustainable Resource Development
Saskatchewan		Saskatchewan Ministry of Environment - Environmental Assessment Branch	<ul style="list-style-type: none"> • Saskatchewan Ministry of Environment

Table 3. Regulatory Agencies and Entities - States/Provinces/Territories

State/Province/Territory	Utility Commissions	State- or Province/Territory-level Environmental Assessment Responsibility	State- or Province/Territory-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, wetlands, water)
Manitoba		Manitoba Conservation and Water Stewardship – Environmental Approvals Branch	<ul style="list-style-type: none"> Manitoba Conservation and Water Stewardship
Ontario	Ontario Energy Board	Ministry of the Environment and Climate Change – Environmental Approvals Branch	<ul style="list-style-type: none"> Ontario Ministry of the Environment and Climate Change; Ontario Ministry of Natural Resources and Forestry
Quebec	Regie de l'energie Quebec	Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change	<ul style="list-style-type: none"> Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change
New Brunswick	New Brunswick Energy & Utilities Board	New Brunswick Environment and Local Government	<ul style="list-style-type: none"> New Brunswick Environment and Local Government New Brunswick Natural Resources

3.0 NAVIGATING THE SIDE-BY-SIDE TABLES

As discussed in Section 2.0, Table 4 (National Regulations) and Tables 5 through 25 (Regulations by State, Province and Territory) present the applicable regulations and statutes for siting, environmental reviews, permitting and approvals for constructing Canadian-U.S. cross-border high-voltage transmission lines. These tables are attached to the main body of this document.

For purposes of navigating the tables, the following guidelines are offered to assist a transmission line developer in the search for applicable regulations:

- Review Table 4 first, which identifies the national-level regulations to consider during the planning process.
- The first row under an agency or entity name, entitled “Applicable If”, provides a brief explanation of when a particular agency would be involved in a transmission line project. If applicable to the project, continue reviewing the key regulation information. In some instances an agency would not be applicable, such as in the case of Bureau of Land Management (BLM) in the U.S.: if the project does not cross BLM lands the developer can skip the review of BLM regulations.

- Links to supporting regulations or statute material are provided within the table should the developer wish to inquire further into the regulation, beyond the summary provided in the side-by-side table.
- In some instances, links to agency website pages are provided if the referenced information is too large to capture in a single document file.
- Following a review of national-level regulations in Table 4, review the applicable side-by-side table for the state and province/territory of interest depending upon where the project is located and where the project is originating. As noted previously, if the project originates in the United States, select the applicable table from Tables 5 through 17. If the project originates in Canada, select the applicable table from Tables 18 through 25. The Table of Contents includes the full list of side-by-side tables.
- Similar to the national regulations in Table 4, the first row under each agency name in Tables 5-25 for the states/provinces/territories includes the answer to the question “Applicable If” which provides a brief description of when a particular agency’s regulation may apply to a proposed transmission line project.
- Similar to Table 4, Tables 5-25 include links to supporting document files and in some instances agency website pages.

4.0 SUBSEQUENT SIDE-BY-SIDES

4.1 Possible Next Steps

This regulatory Side-by-Side provides a high-level summary of applicable national, First Nation/Tribal, state, provincial and territorial regulations and statutes. While the tables and supporting reference materials in this document provide a high-level view of what permits are necessary at the Federal, State/Provincial and Tribal/First Nation level, they do not detail the necessary permits for the next level of government (county, municipal, etc.). While the tables are designed to be easily referenced, the authors recognize that it can still be difficult to navigate. A next step identified by DOE staff is to develop a dynamic website that would have “roadmapping “ capability to tailor the types of permits necessary for a project, as well as timelines on when to file them. This website could be further populated with more local permits, if there is a desire among key stakeholders to pursue those projects.

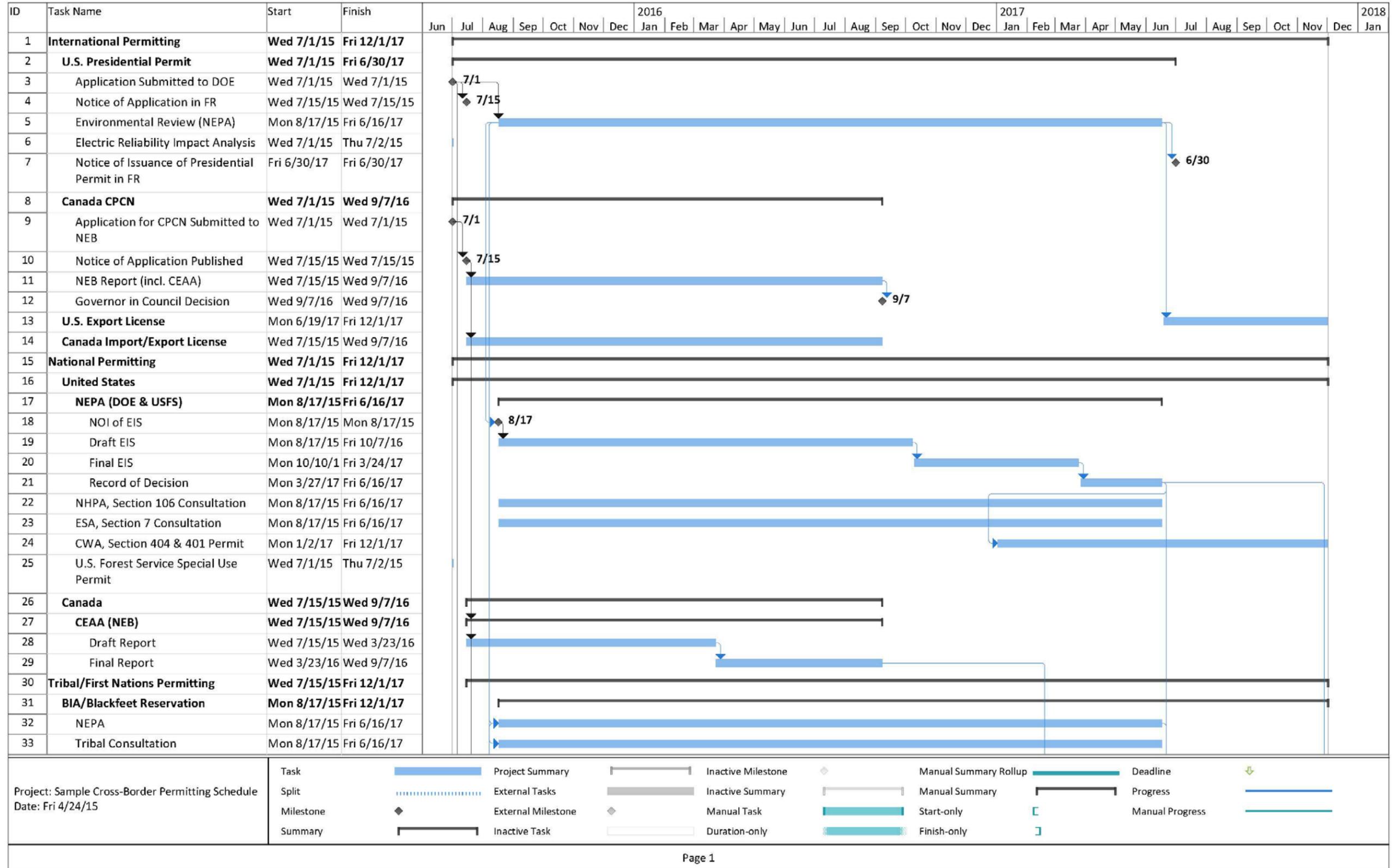
4.2 Example Gantt Chart for Detailed Site-Specific Permitting

For purposes of visualizing how the Side-by-Side can facilitate project planning, a sample Gantt chart is provided below for a fictitious high voltage transmission line project originating in Montana and heading north into Alberta. The project as shown, would require right-of-way permits and grants from one federal land management agency in the United States, the U.S. Forest Service, right-of-way from the Blackfeet Reservation, approvals from the Blood Tribe and Piikani Nation Reserves, and permits, reviews and approvals at the national level in Canada and the U.S., the Province of Alberta and the State of Montana and their applicable agencies. A high-level description of the transmission line's route and some of the key crossings that would trigger various environmental reviews, consultations, and permitting follows:

- Approximate project path: originates in west-central Montana, passes through the Lolo, Flathead, and Lewis & Clark National Forests, bisects the Blackfeet Reservation before entering Alberta, passes through the Blood and Piikani Nation Reserves, and terminates south of Calgary.
- Approximate length: 300 miles
- Size: 500 kilovolt
- U.S. federal land crossings: Lolo, Flathead, and Lewis & Clark National Forests
- Waterbody crossings: several streams and waterbodies on both sides of border including Milk River, North Fork Milk River, and Old Man River
- Key wildlife habitat impacted: Canada Lynx and Grizzly Bear, U.S. Endangered Species Act threatened species
- Indian/First Nation land crossings: Blackfeet Reservation, Blood Tribe Reserve, and Piikani Nation Reserve

This schedule below provides a sample timeline for a project needing to comply with the applicable regulations listed in side-by-side Tables 4 and 8. The schedule assumes a best-case scenario whereby environmental reviews and regulatory approvals are conducted efficiently with minimal to no delays and national, tribal, and state/provincial processes are performed in parallel to the greatest extent possible. For brevity, only the major permitting requirements and project milestones were captured in the schedule. Additional national and state/provincial regulatory reviews and permits could be required depending upon site-specific conditions and construction/maintenance requirements which could extend the timeline.

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GLOSSARY OF TERMS

AAC	[U.S.] Alaska Administrative Code
AANDC	[Canada] Department of Aboriginal Affairs and Northern Development Canada
ACE	United States Army Corp of Engineers
ADEC	[U.S.] Alaska Department of Environmental Conservation
AEMERA	[Canada] Alberta Environmental Monitoring, Evaluation and Reporting Agency
AESO	[Canada] Alberta Electric System Operator
ANR	[U.S.] Agency of Natural Resources
ARM	[U.S.] Administrative Rules of Montana
AS	[U.S.] Alaska Standard
AUC	[Canada] Alberta Utilities Commission
BCBU	British Columbia Utilities Commission
BGEPA	[U.S.] the Bald and Golden Eagle Protection Act
BIA	[U.S.] Bureau of Indian Affairs
BLM	[U.S.] Bureau of Land Management
CEAA	Canadian Environmental Assessment Act of 2012
CEPA	Canadian Environmental Protection Act of 1999
CFR	[U.S.] Code of Federal Regulation
CIWPIS	[U.S.] Michigan Coastal and Inland Water Permits Information System
CofA	[Canada] Certificate of Approval
COSSARO	[Canada] Committee on the Status of Species at Risk in Ontario
CPCN	Certification of Public Convenience and Necessity
CRA	[U.S. Alaska] Certificate of Reasonable Assurance
CWA	[U.S.] Clean Water Act
DEC	[U.S.] Department of Conservation
DES	[U.S.] Department of Environmental Services
DNR	[U.S.] Department of Natural Resources
DNRC	[U.S.] Department of Natural Resources and Conservation
DOE	[U.S.] Department of Energy
DEP	[U.S.] Department of Environmental Protection
DEQ	[U.S.] Department of Environmental Quality
EA	Environmental Assessment
EAB	[Canada] Environmental Appeals Board
EAC	[Canada] Environmental Assessment Certificate
EAP	[Canada Manitoba] Environmental Act Proposal
EASR	[Canada] Environmental Activity and Sector Registry
EAW	[U.S.] Environmental assessment Worksheet

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EBR	[Canada] Ontario Environmental Bill of Rights
EC	[Canada] Environment Canada
ECA	[Canada] Environmental Compliance Approval
ECPN	[U.S.] New York Certificate of Environmental Compatibility and Public Need
EFSEC	[U.S.] Washington Energy Facility Site Evaluation Council
EIS	[U.S.] Environmental Impact Statement
ENB	[U.S.] Environmental Notice Bulletin
EO	[U.S.] Executive Order
EOC	[Canada Yukon] Energy Operation certificate
EPA	[U.S.] Environmental Protection Agency
EPC	[Canada Yukon] Energy Project Certificate
EQB	[U.S.] Environmental Quality Board
ERAC	[U.S.] Ohio Environmental Review Appeals Commission
ESA	[U.S.] Endangered Species Act
FERC	[U.S.] Federal Energy Regulatory Commission
FLPMA	[U.S.] the Federal Land Policy and Management Act of 1976
FPA	[U.S.] the Federal Power Act
FWCA	[U.S.] Fish and Wildlife Coordination Act
GIC	[Canada] Governor in Council
GMA	[U.S. Washington] Growth Management Act
HPA	[U.S. Washington] Hydraulic Project Approval
IDAPA	[U.S.] Idaho Administrative Procedures Act
IDWR	[U.S.] Idaho Department of Water Resources
INAC	[Canada] Indian Northern Affairs Canada
IPLs	International Power Lines
JARPA	[U.S.] Washington Joint Aquatic Resources Permit Application
JPA	[U.S.] Joint Permit Application
JRP	[Canada] Joint Review Panel
MAR	[U.S.] Minnesota Administrative Rules
MBTA	[U.S.] the Migratory Bird Treaty Act
MCA	[U.S.] Montana Code Annotated
MCL	[U.S.] Michigan Compiled Laws
MDA	[Canada] Ministerial Determination Applications
MEPA	[U.S.] Montana Environmental Policy Act
MFSA	[U.S.] Montana Major Facility Siting Act
MLA	[U.S.] the Mineral Leasing Act
MPCA	[U.S.] Minnesota Pollution Control Agency
MPDES	[U.S.] Montana Pollutant Discharge Elimination System
MPMO	[Canada] Major Projects Management Office

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MRSA/MRS	[U.S.] Maine Revised Statutes
MS	[U.S.] Minnesota Statute
NDCC	[U.S.] North Dakota Century Code
NEB	[Canada] National Energy Board
NEB Act	[Canada] National Energy Board Act of 1959 and later amendments
NEPA	[U.S.] National Environmental Policy Act of 1969
NERC	[U.S.] North American Electricity Reliability Council
NHPA	[U.S.] National Historic Preservation Act
NID	[Canada] Need Identification Document
NOA	[Canada] Notice of Application
NOI	[U.S.] Notice of Intent
NPDES	[U.S.] National Pollutant Discharge Elimination System
NREPA	[U.S.] Natural Resource and Environmental Protection Act
NPRI	[Canada] National Pollutant Release Inventory
NRPA	[U.S.] Natural Resource Protection Act
NWP	[U.S.] Army Corp of Engineers Nationwide Permits
NWRSAA	[U.S.] National Wildlife Refuge Systems Administration Act
NYCRR	[U.S.] New York Codes Rules and Regulations
ORC	[U.S.] Ohio Revised Code
ORMA	[U.S.] Washington Ocean Resources Management Act
OWRA	[Canada] Ontario Water Resources Act
PA	[U.S.] Pennsylvania Code
PBR	[U.S.] Maine Permit by Rule
PC	[U.S.] Pennsylvania Code
PNDI	[U.S.] Pennsylvania Natural Diversity Inventory
PNHP	[U.S.] Pennsylvania Natural Heritage Program
PUC	[U.S.] Public Utilities Commission
RA	[Canada] Responsible Authority
RAR	[Canada] British Columbia Riparian Areas Regulation
RCW	[U.S.] Revised Code of Washington
RGU	[U.S.] Responsible Government Unit
ROD	[U.S.] Record of Decision
RSA	[U.S.] Revised Statutes Administrative
RSBC	[Canada] Revised Statutes of British Columbia
RSC	Revised Statutes of Canada
RSQ	[Canada] Revised Statute Quebec
RSS	[U.S. Idaho] Really Simple Syndication
SARA	[Canada] Species at Risk Act
SEQR	[U.S.] New York State Environmental Quality Review Act

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SMA	[U.S.] Washington Shoreline Management Act
SPA	[U.S.] Montana Stream Protection Act
SPEA	[Canada] British Columbia Streamside Protection and Enhancement Area
TFO	[Canada] Transmission Facility Owner
TOR	[Canada] Terms of Reference
TRC	[Canada] Technical Review Comments
USC	United States Code
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
VSA	[U.S.] Vermont Statutes Annotated
VSWI	[U.S.] Vermont Significant Wetlands Inventory
WAC	[U.S.] Washington Administrative Code
WDFW	[U.S.] Washington Department of Fish and Wildlife
WQS	Alaska Water Quality Standards
WRD	[U.S.] Michigan Water resource Division
YEA	[Canada] Yukon Environmental Act
YESAA	[Canada] Yukon Environmental and Socio-economic Assessment Act
YESAB	[Canada] Yukon Environmental and Socio-economic Assessment Board
YOR	[Canada] Yukon Environmental and Socio-economic Assessment Board Online Registry
YUB	[Canada] Yukon Utilities Board

APPENDIX A

LIST OF AGENCY CONTACTS

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APPENDIX A - FEDERAL, STATE, PROVINCE AND TERRITORY AGENCY CONTACTS LIST

Canada	United States
<p>National Energy Board (NEB) 403-292-4800 Toll free: 1-800-899-1265 https://www.neb-one.gc.ca/index-eng.html Applications and Regulatory Documents https://www.neb-one.gc.ca/pplctnflng/sbmt/index-eng.html</p>	<p>Department of Energy (DOE) 202-586-5000 Office of Electricity Delivery and Energy Reliability http://energy.gov/oe/office-electricity-delivery-and-energy-reliability</p>
<p>Environment Canada 819-997-2800 Toll Free: 1-800-668-6767 (in Canada only) http://www.ec.gc.ca/?lang=En Permits http://www.ec.gc.ca/default.asp?lang=En&n=12AF79B6-1</p>	<p>Environmental Protection Agency (EPA) 202-272-0167 http://www.epa.gov/compliance/nepa/ Office of Water http://www2.epa.gov/aboutepa/about-office-water</p>
<p>Department of Aboriginal and Northern Development Canada (AANDC) Toll free: 1-800-567-9604 http://www.aadnc-aandc.gc.ca/eng/1100100010002/1100100010021</p>	<p>Bureau of Indian Affairs (BIA) 703-390-6300 http://www.bia.gov/WhoWeAre/AS-IA/ORM/RightsofWay/index.htm http://www.bia.gov/</p>
	<p>U.S. Forest Service (USFS) 202-205-1661 http://www.fs.fed.us/working-with-us/contracts-commercial-permits/special-use-permit-application http://www.fs.fed.us/ Office of Law Enforcement and Investigation http://www.fs.fed.us/lei/</p>
<p>Parks Canada General Inquiries: 888-773-8888 General Inquiries (International): 819-420-9486 http://www.pc.gc.ca/eng/index.aspx Parks Canada Organization http://www.pc.gc.ca/eng/docs/pc/plans/rpp/rpp2013-14/sec01/index.aspx</p>	<p>U.S. National Park Service 202-208-3818 http://www.nps.gov/gwmp/planyourvisit/rightofway.htm http://www.nps.gov/index.htm</p>
<p>Department of Fisheries and Oceans 613-993-0999 http://www.dfo-mpo.gc.ca/index-eng.htm Principles of Ecosystem-based Fisheries Management http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/ecosys-back-fiche-eng.htm</p>	<p>U.S. Fish and Wildlife Service (USFWS) 703-358-1729 http://www.fws.gov/ Permits http://www.fws.gov/permits/</p>
	<p>U.S. Army Corps of Engineers (USACE) 202-761-5440 http://www.usace.army.mil/ Environment http://www.usace.army.mil/Missions/Environmental.aspx Engineering and Construction http://www.usace.army.mil/Missions/CivilWorks/EngineeringandConstruction.aspx</p>

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Canada	United States
	<p>Bureau of Land Management (BLM) 202-208-3801 http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html http://www.blm.gov/wo/st/en.html Office of Resource and Planning http://www.blm.gov/ak/st/en/prog/planning.html</p>
	<p>Advisory Council on Historic Preservation (ACHP) 202-517-0200 http://www.achp.gov/ Energy Development, Transmission, and Historic Preservation http://www.achp.gov/energy_and_transmission.html</p>

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State/ Province/ Territory	Utility Commissions	State- or Province-level Environmental Assessment Responsibility	State- or Province-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, water)
UNITED STATES			
Alaska	<p>Regulatory Commission of Alaska 907-276-6222 http://rca.alaska.gov/RCAWeb/home.aspx Filing Submission Guide http://rca.alaska.gov/RCAWeb/Documents/Help/SubmissionGuide.pdf</p>		<p>Alaska Department of Environmental Conservation Anchorage 907-269-7500; Fairbanks 907-451-2100; Juneau 907-465-5066 http://dec.alaska.gov/ Division of Water Director: 907-465-5257 http://dec.alaska.gov/water/index.htm</p> <p>Alaska Department of Fish and Wildlife Habitat Information 907-267-2342 http://www.adfg.alaska.gov/</p>
Washington	<p>Washington Utilities and Transportation Commission 360-664-1160 http://www.utc.wa.gov/Pages/default.aspx Regulated Energy Utilities http://www.utc.wa.gov/regulateIndustries/utilities/energy/Pages/default.aspx</p>	<p>Washington Department of Ecology 360-407-6000 http://www.ecy.wa.gov/ Environmental Assessment Program http://www.ecy.wa.gov/programs/eap/index.html</p>	<p>Washington Department of Ecology 360-407-6000 http://www.ecy.wa.gov/ Permitting http://www.ecy.wa.gov/permit.html</p> <p>Washington Department of Fish & Wildlife 360-902-2200 http://wdfw.wa.gov/ Licensing and Permits http://wdfw.wa.gov/licensing/</p>
Idaho	<p>Idaho Public Utilities Commission 208-334-0300 http://www.puc.idaho.gov/ Electric Utilities http://www.puc.idaho.gov/electric/electric.htm</p>		<p>Idaho Department of Environmental Quality Department of Health and Welfare, Director 208-334-4921 http://www.deq.idaho.gov/ Permitting http://www.deq.idaho.gov/permitting.aspx</p> <p>Idaho Department of Fish and Game 208-334-3700 http://fishandgame.idaho.gov/ Wildlife http://fishandgame.idaho.gov/public/wildlife/</p>

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State/ Province/ Territory	Utility Commissions	State- or Province-level Environmental Assessment Responsibility	State- or Province-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, water)
			<p>Idaho Department of Lands 208-334-0200 http://www.idl.idaho.gov/ Leasing http://www.idl.idaho.gov/leasing/index.html</p> <p>Idaho Department of Water Resources 208-287-4800 https://www.idwr.idaho.gov/ Forms https://www.idwr.idaho.gov/RulesStatutesForms/</p>
Montana	<p>Montana Public Service Commission 406-444-6199 http://psc.mt.gov/ Energy http://psc.mt.gov/energy/</p>	<p>Montana Department of Environmental Quality 406-444-2544 http://www.deq.mt.gov/default.mcpX Permitting and Compliance http://www.deq.mt.gov/pcd/default.mcpX</p>	<p>Montana Department of Natural Resources and Conservation 406-444-2074 http://dnrc.mt.gov/ Water and Resource Development http://dnrc.mt.gov/cardd/Default.asp</p> <p>Montana Fish, Wildlife & Parks 406-444-2535 http://fwp.mt.gov/ Licenses and Permits http://fwp.mt.gov/fishAndWildlife/licenses/</p>
North Dakota	<p>North Dakota Public Service Commission 701-328-2400 http://www.psc.nd.gov/ Electricity http://www.psc.nd.gov/jurisdiction/electricgas/index.php</p>		<p>North Dakota Game and Fish Department 701-328-6300 http://gf.nd.gov/ Wildlife and Conservation http://gf.nd.gov/wildlife</p>
Minnesota	<p>Minnesota Public Utilities Commission 651-296-7124 http://mn.gov/puc/ Energy Facilities http://mn.gov/puc/energyfacilities/index.html</p>	<p>Minnesota Department of Commerce 651-539-1886 http://mn.gov/commerce/ Energy Facility Permitting http://mn.gov/commerce/energy/utilities/Energy-Facility-Permits.jsp</p>	<p>Minnesota Pollution Control Agency 651-296-6300 (metro) 1-800-657-3864 http://www.pca.state.mn.us/ Permits and Permitting Process http://www.pca.state.mn.us/index.php/regulations/permits-and-rules/permits-and-the-permitting-process.html</p>

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State/ Province/ Territory	Utility Commissions	State- or Province-level Environmental Assessment Responsibility	State- or Province-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, water)
			<p>Minnesota Department of Natural Resources 651-296-6157 888-646-6367 http://www.dnr.state.mn.us/index.html Licenses, Permits, and Regulations http://www.dnr.state.mn.us/rli/index.html</p>
Michigan	<p>Michigan Public Service Commission 517-284-8100 http://www.michigan.gov/mpsc Electric Utility Information http://www.michigan.gov/mpsc/0,4639,7-159-16377_52821---,00.html</p>		<p>Michigan Department of Environmental Quality 800-662-9278 http://www.michigan.gov/deg Environmental Permits, Licenses, and Certifications http://www.michigan.gov/deg/0,4561,7-135-3307_29692---,00.html</p> <p>Michigan Department of Natural Resources Director 517-284-6367 http://www.michigan.gov/dnr Licenses, Applications, and Permits http://www.michigan.gov/dnr/0,4570,7-153-31574---,00.html</p>
Ohio	<p>Ohio Public Utilities Commission 800-686-PUCO (7826) 614-466-3292 (in Columbus area) http://www.puco.ohio.gov/puco/ Electric Industry http://www.puco.ohio.gov/puco/index.cfm/information-by-industry/electric-industry-information/#sthash.xlltw2Vx.dpbs</p>		<p>Ohio Environmental Protection Agency Director 614-644-2782 http://www.epa.state.oh.us/ Division of Service Water Permits http://www.epa.state.oh.us/dsw/permits/index.aspx</p> <p>Ohio Wildlife Council 614-265-6565 http://wildlife.ohiodnr.gov/about-contacts/wildlife-council Permitting http://minerals.ohiodnr.gov/laws-regulations/permitting</p>

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<p>Pennsylvania</p>	<p>Pennsylvania Public Utilities Commission 1-800-692-7380 http://www.puc.state.pa.us/ Filing and Resources http://www.puc.state.pa.us/filing_resources.aspx</p>		<p>Pennsylvania Department of Environmental Protection 717-783-2300 http://www.depweb.state.pa.us/portal/server.pt/community/dep_home/5968 Permits, Licensing, and Certifications http://www.depweb.state.pa.us/portal/server.pt/community/permits%2C_licensing_certifications/6009</p>
			<p>Pennsylvania Fish & Boat Commission 717-705-7800 http://fishandboat.com/ Permits and Forms http://fishandboat.com/forms.htm</p>
			<p>Pennsylvania Game Commission 717-787-4250 http://www.pgc.state.pa.us/portal/server.pt/community/pgc/9106 Wildlife http://www.portal.state.pa.us/portal/server.pt/community/wildlife/9109</p>
<p>New York</p>	<p>New York Public Service Commission 518-474-6530 http://www.dps.ny.gov/ Electric http://www3.dps.ny.gov/W/PSCWeb.nsf/All/B9EF3150F991B61485257687006F3888?OpenDocument</p>	<p>New York Department of Environmental Conservation Division of Environmental Permits Director, Division of Environmental Permits 518-402-9167 http://www.dec.ny.gov/ Regulations and Enforcement http://www.dec.ny.gov/65.html</p>	<p>New York Department of Environmental Conservation Director, Division of Environmental Permits 518-402-9167 http://www.dec.ny.gov/ Permits, Licenses, Registrations, and Certifications http://www.dec.ny.gov/63.html</p>

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Vermont	<p>Vermont Department of Public Service 802-828-2332 http://publicservice.vermont.gov/ Information for Utilities http://publicservice.vermont.gov/utility_information</p>		<p>Vermont Department of Environmental Conservation 802-828-1556 http://www.anr.state.vt.us/dec/dec.htm Permits http://www.anr.state.vt.us/dec/permits.htm</p> <p>Vermont Fish & Wildlife Department 802-828-1000 http://www.vtfishandwildlife.com/ Licenses https://anrweb.vt.gov/FWD/FWD/License.aspx</p>
New Hampshire	<p>New Hampshire Public Utilities Commission 603-271-2431 http://www.puc.state.nh.us/ Electric http://www.puc.state.nh.us/Electric/electric.htm</p>		<p>New Hampshire Department of Environmental Services 603-271-3503 http://des.nh.gov/ Permits http://des.nh.gov/organization/commissioner/pip/categories/permits.htm</p> <p>New Hampshire Fish and Game 603-271-3421 http://www.wildlife.state.nh.us/</p>
Maine	<p>Maine Public Utilities Commission 207-287-3831 http://www.maine.gov/mpuc/ Information for Electricity Suppliers http://www.maine.gov/mpuc/electricity/electric_supply/info_elec_supplier.html</p>		<p>Maine Department of Environmental Protection 207-287-7688 800-452-1942 http://www.maine.gov/dep/ Permits, Licenses, Certifications http://www.maine.gov/dep/permits/index.html</p> <p>Maine Department of Inland Fisheries & Wildlife 207-287-8000 http://www.maine.gov/ifw/ Environmental Review Process http://www.maine.gov/ifw/wildlife/environmental/process.html</p>

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CANADA			
British Columbia	<p>British Columbia Utilities Commission 604-660-4700 http://www.bcuc.com/</p>	<p>British Columbia Environmental Assessment Office EA Process and Communications, Director: 250-387-2470 EA Operations, Director: 250-387-9408 http://www.eao.gov.bc.ca/index.html Environmental Assessment Process http://www.eao.gov.bc.ca/ea_process.html</p>	<p>British Columbia Ministry of Environment Victoria: 250-387-6121 Vancouver: 604-660-2421 Elsewhere in B.C.: 1-800-663-7867 Outside B.C.: 604-660-2421 http://www.gov.bc.ca/env/</p> <p>British Columbia Ministry of Forests Lands and Natural Resource Operations Victoria: 250-387-1772 Front Counter BC (toll free in North America) 1-877-855-3222 www.gov.bc.ca/for</p>
Yukon	<p>Yukon Utilities Board 1-867-667-5058 http://www.yukonutilitiesboard.yk.ca/ Policy and Procedures http://yukonutilitiesboard.yk.ca/policy/policy-and-procedures/</p>	<p>Yukon Environmental and Socio-Economic Assessment Board 1-867-996-4040 http://www.yesab.ca/ The Assessment Process http://www.yesab.ca/the-assessment-process/</p>	<p>Environment Yukon 867-667-5652 http://www.env.gov.yk.ca/ Forms http://www.gov.yk.ca/forms/env.html</p>
Alberta	<p>Alberta Utilities Commission 403-592-8845 (UTIL)** ** For toll free access to the above phone number, from anywhere in Alberta, please dial the Rightline at 310-0000 and then enter the 10-digit number: 780-427-4901 and press 1 ** http://www.auc.ab.ca/Pages/Default.aspx Electricity http://www.auc.ab.ca/utility-sector/rates-and-tariffs/Pages/Electricity.aspx</p>	<p>Alberta Environment Sustainable Resources Department Call Toll Free Alberta: 310-ESRD (3773) Toll Free: 1 877-944-0313 http://esrd.alberta.ca/ Environmental Assessment/EIAs http://esrd.alberta.ca/lands-forests/land-industrial/programs-and-services/environmental-assessment/default.aspx</p>	<p>Alberta Environment Sustainable Resources Department Call Toll Free Alberta: 310-ESRD (3773) Toll Free: 1 877-944-0313 http://esrd.alberta.ca/ Forms http://esrd.alberta.ca/forms-maps-services/forms/fish-wildlife-forms/default.aspx</p>

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State/ Province/ Territory	Utility Commissions	State- or Province-level Environmental Assessment Responsibility	State- or Province-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, water)
Saskatchewan		<p>Saskatchewan Ministry of Environment- Environmental Assessment Branch 306-787-6132 http://www.environment.gov.sk.ca/EnvironmentalAssessment/</p>	<p>Saskatchewan Ministry of Environment 1-800-567-4224 (toll free in North America) 306-787-2584 in Regina http://environment.gov.sk.ca/Permits http://environment.gov.sk.ca/permits/</p>
Manitoba		<p>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch Director 204-945-7071 Environmental Approvals http://www.gov.mb.ca/conservation/eal/</p>	<p>Manitoba Conservation and Water Stewardship 204-945-6784 Toll Free: 1-800-214-6497 http://www.gov.mb.ca/conservation/index.html Licensing, Regulation, and Policy http://www.gov.mb.ca/conservation/waterstewardship/licensing/index.html</p>
Ontario	<p>Ontario Energy Board 1 416-481-1967 http://www.ontarioenergyboard.ca/OEB Electric Industry http://www.ontarioenergyboard.ca/OEB/Industry/About+the+OEB/Electricity+Market+Surveillance</p>	<p>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch 1-800-461-6290 or 416-314-8001 https://www.ontario.ca/environment-and-energy/environmental-approvals</p>	<p>Ontario Ministry of the Environment and Climate Change 416-325-4000 Toll-free: 1-800-565-4923 https://www.ontario.ca/ministry-environment</p> <p>Ontario Ministry of Natural Resources and Forestry Toll-free: 1-800-667-1940 https://www.ontario.ca/ministry-natural-resources-forestry Endangered Species Act Permit https://www.ontario.ca/environment-and-energy/endangered-species-act-proposed-permit-or-authorization</p>

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State/ Province/ Territory	Utility Commissions	State- or Province-level Environmental Assessment Responsibility	State- or Province-level Environmental Protection Agencies by Subject Matter Jurisdiction (wildlife, water)
Quebec	<p>Regie de l'energie Quebec 514-873-2452 Toll free: 1-888-527-3443 http://www.regie-energie.qc.ca/en/ Electricity http://www.regie-energie.qc.ca/en/energie/electricite.html</p>	<p>Quebec Minister of Sustainable Development, Environment and the fight against Climate Change 418-521-3830 or 1-800-561-1616 http://www.mddelcc.gouv.qc.ca/index.asp Environmental Assessment Forms (French) http://www.mddelcc.gouv.qc.ca/evaluations/publicat.htm</p>	<p>Quebec Minister of Sustainable Development, Environment and the fight against Climate Change 418-521-3830 or 1-800-561-1616 http://www.mddelcc.gouv.qc.ca/index.asp Forms http://www.mddelcc.gouv.qc.ca/formulaires/formulaires-en.htm</p>
New Brunswick	<p>New Brunswick Energy & Utilities Board 506-658-2504 Toll-Free: 1-866-766-2782 http://www.nbeub.ca/ Electricity http://www.nbeub.ca/index.php/en/electricity</p>	<p>New Brunswick Environment and Local Government 506-453-2690 http://www2.gnb.ca/content/gnb/en/departments/elg.html Environmental Impact Assessment http://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html</p>	<p>New Brunswick Environment and Local Government 506-453-2690 http://www2.gnb.ca/content/gnb/en/departments/elg.html Watercourse and Wetland Alteration Permit http://www2.gnb.ca/content/gnb/en/services/services_rendere_2935.html</p> <p>New Brunswick Natural Resources 506-453-3826 Reception: 506-453-3826 http://www2.gnb.ca/content/gnb/en/departments/natural_resources.html Permit for Activity in a Protected Area http://www2.gnb.ca/content/gnb/en/departments/natural_resources/services/services_rendere_r.3375.Permits_for_Activity_in_a_Protected_Natural_Area.html</p>

Table 4. National Regulations – Canada and United States

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
	General Information		
0A	Applicable If	If an international or designated interprovincial power line is proposed.	If the construction, operation, or maintenance of an international electric transmission facility is proposed.
1	Authorities	<p>National Energy Board Act, R.S.C. 1985, c. N-7</p> <p>National Energy Board Electricity Regulations.</p> <p>Canadian Environmental Assessment Act, 2012 (CEAA).</p> <p>CEAA 2012 Regulations Designating Physical Activities.</p> <p>Electricity Filing Manual</p> <p>General Order for Electricity Reliability Standards (MO-036-2012)</p> <p>Electricity Memorandum of Guidance to Interested Parties Concerning Full Implementation of the September 1988 Canadian Electricity Policy (MOG); 23 January 2003; 11 July 2012 (Electricity MOG)</p>	<p>Executive Order 12038. Relating to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act. EO12038</p> <p>Executive Order 10485. Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States. EO10485</p> <p>The National Environmental Policy Act of 1969. NEPA1969</p> <p>Department of Energy Organization Act of 1977. DOE1977</p> <p>10 Code of Federal Regulations (CFR) National Environmental Policy Act Implementing Procedures. 10CFR1021</p> <p>10 CFR 205.320-329 Export of Electricity and Permitting of Electricity Transmission Facilities at International Boundaries Administrative Procedures. 10CFR205</p> <p>40 CFR parts 1500–1508 The Council on Environmental Quality Regulations. Link</p>
2	Regulated Activity	<p>The Board regulates the construction, operation, and abandonment of international and designated interprovincial power lines under federal jurisdiction.</p> <p>As of 15 March 2015, the Board does not regulate any interprovincial power lines.</p> <p>An International Power Line (IPL) is regulated by the Board from the nearest substation to the Canadian border. The remaining portion of the power line is regulated by the provincial regulator (with the exception of elected power lines which the Board regulates completely).</p>	<p>The Department of Energy regulates the construction, operation, maintenance, and connection of U.S. international electric transmission facilities. An applicant must submit an application to the Federal Energy Regulatory Commission to construct, operate, or maintain an interstate transmission line.</p>
3	Procedure	<p>Generally before an application to construct or modify an IPL is made to the Board, an applicant would request a pre-application meeting with Board Staff to discuss process. The goal of the meeting is for the applicant to understand its process options and how the process works as laid out by the relevant legislation.</p> <p>One of the major considerations for an applicant, which will determine process for a new IPL application, is whether the applicant elects to submit an application for a Certification of Public Convenience and Necessity (certificate) (NEB Act section 58.23) or a permit (NEB Act section 58.11) to the Board. This permit and certification decision mainly depends on the applicant's preference to be regulated on an ongoing basis by either the provincial regulator or the NEB respectively.</p> <p>Governor in Council (GIC) or the NEB (in making a recommendation to GIC) can decide to elevate a permit application to a designated certificate process. When evaluating whether or not to elevate a permit application to a designated certificate process the Board is to have regard to all considerations that appear relevant including: the environmental impacts of the IPL and the effect of the IPL on other provinces.</p>	<p>An applicant must submit an application for a presidential permit to the DOE Office of Utility Systems of the Economic Regulatory Administration construction, operation, maintenance, and connection of U.S. international electric transmission facilities. The DOE needs approval from the Secretary of Energy to issue a Presidential permit.</p>
4	Application	<p>The Board expects applicants to provide information in their application consistent with information requirements outlined in the Board's electricity filing manual. This manual provides guidance as to the type of information the Board would typically need to make a decision or a recommendation.</p>	<p>The proposal must be published in the Federal Register and allow for a minimum of a 30 day comment period. The Secretary can determine whether or not to hold a public hearing or provide an opportunity for an oral presentation of views within a reasonable geographic area. A Notice of all proposals, rules, hearing, or oral presentation must be published in the Federal Registrar and comment period is required. A transcript shall be kept of any oral presentation with respect to a rule, regulation, or order described in subsection (a). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order shall, for the purpose of judicial review, constitute a final agency action, except that enforcement and other judicial review of such action shall be the responsibility of the Secretary. DOE1977</p>
5	Public Notification	<p>The Board requires applicants to conduct a consultation program with individuals, groups, and agencies affected by the proposed project prior to submitting an application to the Board. The consultation programs should continue through the planning, design, construction, operation, and abandonment of the project.</p>	<p>Notice of any proposed rule, regulation, or order shall be given by publication of such proposed rule, regulation, or order in the Federal Register. Such publication shall be accompanied by a statement of the research, analysis, and other available information in support of, the need for, and the probable effect of, any such proposed rule, regulation, or order. Other effective means of publicity shall be utilized as may be reasonably calculated to notify concerned or affected persons of the nature and probable effect of any such proposed rule, regulation, or order. In each case, a minimum of thirty days following such publication shall be provided for an opportunity to comment prior to promulgation of any such rule, regulation, or order in at least two newspapers of statewide circulation.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
	<i>International Power Lines</i>		
6	Legislative Requirement	<p>National Energy Board Act, R.S.C. 1985, c. N-7. NEB1985</p> <p>National Energy Board Electricity Regulations. NEB1995</p> <p>Canadian Environmental Assessment Act, 2012. CEAA2012</p> <p>Electricity Filing Manual Link</p> <p>General Order for Electricity Reliability Standards (MO-036-2012) Link</p> <p>Electricity Memorandum of Guidance to Interested Parties Concerning Full Implementation of the September 1988 Canadian Electricity Policy (MOG); 26 August 1998; 23 January 2003; 11 July 2012 (Electricity MOG) MOG2012</p>	<p>Executive Order 12038. Relating to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act. EO12038</p> <p>Executive Order 10485. Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States. EO10485</p> <p>The National Environmental Policy Act of 1969. NEPA1969</p> <p>Department of Energy Organization Act of 1977. DOE1977</p> <p>10 Code of Federal Regulations (CFR) National Environmental Policy Act Implementing Procedures. 10CFR1021</p> <p>10 CFR 205.320-329 Export of Electricity and Permitting of Electricity Transmission Facilities at International Boundaries Administrative Procedures. 10CFR205</p> <p>40 CFR parts 1500–1508 The Council on Environmental Quality Regulations. Link</p>
7	Criteria	The Board regulates the construction, operation, and abandonment of international and designated interprovincial power lines under federal jurisdiction.	An applicant must submit a Presidential permit application to the DOE to construct, operate, maintain, or connect an international transmission facility for electric energy.
8	Procedure	<p>An applicant elects to submit either an application for a Certification of Public Convenience and Necessity (certificate) or a permit to the Board, depending on the applicant's preference to be regulated either by the provincial regulator or by the NEB respectively. Governor in Council (GIC) or the NEB (in making a recommendation to GIC) can decide to elevate a permit application to a designated certificate process. When evaluating whether or not to elevate a permit application to a designated certificate process the Board is to have regard to all considerations that appear relevant including: the environmental impacts of the IPL and the effect of the IPL on other provinces.</p> <p>Once the certification or permit application is determined to be complete in that it meets the information requirements set out in the NEB Electricity Regulations, the Board will require the applicant to publish a notice of the application.</p> <p>If a certificate application is filed, the Board is required to hold a hearing. The hearing process is set by the NEB through a hearing order. The hearing may be written or oral. Under the IPL certificate process with a public proceeding, the NEB is required to complete the hearing process and either prepare a public report for the Minister recommending that GIC approve the certificate with conditions determined by the Board, or decide that no certificate is to be issued and dismiss the application within 15 months of the application being determined as complete.</p> <p>If the applicant applied for a permit, the Board cannot hold a public hearing. The IPL permit process is a summary written process. If the Board issues a permit, the permit may be made subject to conditions respecting matters that are specified under the NEB Electricity Regulations. The Board cannot deny a permit; it can only recommend to elevate it to a certificate process. Following the issuance of the permit, the jurisdiction of the IPL reverts to the province save for NEB imposed conditions that are paramount. However, the abandonment of a permitted line must be approved by the Board.</p> <p>Both the permit order and the certificate report are available to the public through the NEB website.</p> <p>If the assessment of application for an IPL requires a public hearing (either through an election certificate or by a designation order), should an individual, group, agency, or commercial party believe that they will be affected by the construction or operation of the IPL, they should apply to the Board to participate in the hearing. The Board must hear from parties that are directly affected by the IPL and may hear from persons who in the Board's opinion have relevant expertise or information. When applying to participate, you can ask to be an intervenor or a commentator. Intervenors have more procedural rights such as the right to ask information requests, submit evidence and argument.</p> <p>Public hearings include a written process and may include an oral portion. The Board makes the decision with respect to the issuance of a permit and any condition attached to it, but for a certificate hearing, the Board submits a public report with its recommendation to the Minister that GIC approve the issuance of a certificate or that no certificate be issued within 15 months of the determination of completeness.</p> <p>Applications to repeal a final decision must be filed within 30 days from when the decision was made to Canada's Federal Court of Appeal. If an application to appeal is filed, the Board will allow the applicant 15 days to respond to the submission.</p>	<p>The Presidential permit application is submitted to the DOE who must then forward the application to the Secretary of Energy and all affected State public utility regulatory agencies.</p> <p>Once the application is submitted, the DOE publishes a notice of application in the Federal Register containing the application and the public comment period.</p> <p>The DOE is required by Executive Order 12038 to determine that the proposed project is in the best interest of the public. To do this, the DOE reviews the proposed project based on an environmental assessment and an electric reliability impact analysis.</p> <p>The DOE may choose to hold a public hearing in which case an officer will be appointed to conduct the meeting, a notice will be published in the Federal Register, and all parties interested in participating must submit an application to the DOE to gain intervenor status.</p> <p>The applicant must complete and incur all costs for an environmental assessment that meets the criteria of the National Environmental Policy Act (NEPA) as reviewed and determined by the DOE. DOE's environmental assessment procedures are found in 10 CFR Part 1021. The DOE Economic Regulatory Administration determines categorical exclusions found in 10 CFR 1021.410, an environmental assessment, or an Environmental Impact Statement (EIS) are needed to meet the NEPA environmental assessment requirements. Link</p> <p>If the DOE determines that NEPA requirements are met by categorical exclusions, then an environmental assessment is not required. If an environmental assessment is required, the applicant will conduct the environmental assessment pursuant to 40 CFR 1506.5(b).</p> <p>If an EIS is required, the applicant must hire a qualified third party to conduct the analysis. Upon completion of the EIS, the DOE holds a public comment period for scoping the EIS, releases a draft EIS based on those comments, and sets a public hearing and comment period for the draft EIS, as required by 10 CFR 205.173. Upon completion of the public comment period a final EIS is issued and the DOE can proceed with the permit review process.</p> <p>The DOE may choose to refer to the Council of Environmental Quality for assistance with environmental assessment review, as stated under Section 1054 of Council of Environmental Quality's NEPA regulations.</p> <p>In addition to the environmental assessment, the DOE must also conduct an electric reliability impact analysis that meets the standards of the North American Electric Council and regional council standards.</p> <p>Once the DOE Economic Regulatory Administration finds the proposed project meets the public interest criteria, the Secretary must then receive favorable recommendations from the Secretary of State and the Secretary of Defense to issue an order granting the Presidential permit, as specified in Executive Order 12038. If the Secretary of Energy, Secretary of State, and the Secretary of Defense cannot reach an agreement the permit is submitted to the President of the U.S. for a decision.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
9	Application	<p>Once the Board determines that the certificate application is complete, the Board is required to submit a public report within 15 months containing the Board's recommendation with conditions to the Minister that GIC approve the certificate, or decide that no certificate be issued and dismiss the application. In either situation, the Board's determination is based on, but not limited to, the following:</p> <ul style="list-style-type: none"> • Project design and safety • Project cost and applicant financial responsibility • Socio-economic and land issues • Project effects on Aboriginal groups • Justification that the project is in the public's interest • Environmental assessment <p>When evaluating a permit application for completeness the Board's evaluation will include but not be limited to:</p> <ul style="list-style-type: none"> • The application information that is to be provided in accordance with the NEB Electricity Regulations and the NEB Electricity Filing Manual; and • The acts and regulations the application is being filed under. <p>Should the project meet the criteria for a designated project under the Canadian Environmental Assessment Act, 2012 (CEAA 2012) the Board must conduct an environmental assessment during its review of the application. CEAA 2012 requires that participant funding be available to the public to facilitate participation in a public process related to a CEAA 2012 environmental assessment. The NEB Act provides for participant funding for any public hearings for Certificate IPL applications that have an oral component.</p> <p>If an election certificate is issued for the IPL, the applicant is required to submit Plans, Profiles and Books of Reference to the Board, which can trigger detailed route hearings. When landowners have received a notice for their lands to be acquired or owners who believe that their lands may be adversely affected by the route, they may wish to oppose the detailed route by submitting a written objection to the Board within 30 days of the notice being served or the last publication of the notice and request a detailed route hearing. If there is no written objection filed within that period, then the Board may then approve the Plans, Profiles and Books of Reference.</p> <p>If a permit is issued, the process will revert to the province for a detailed route hearing.</p>	<p>The applicant must submit an application for a Presidential permit to the DOE for review. The application must include the filing fee of \$150, payable to the Treasurer of the United States, and the applicant must incur the cost of DOE's environmental review.</p> <p>The Presidential permit application must include the content listed in 10 CFR 205.322.</p>
10	Public Notification	<p>The applicant must publish a notice of application in: the Canada Gazette and such other publications as the Board may deem appropriate. The Electricity MOG specifies that the applicant must publish the notice of the application in English and French publications with the largest paid general circulation in the most populous community along the route; and anywhere else the Board sees fit. The applicant is also directed under the Electricity MOG to serve a copy of their application on each directly interconnected Canadian utility;</p> <p>The Board must make the relevant dates available to the public as soon as they are known. When posting notice of the application the Board shall ensure the following is provided:</p> <ul style="list-style-type: none"> • Notification of the public of the hearing; • How the public can participate; • A list of issues the Board will consider when reviewing the application; and • Details of any public information sessions the Board plans to hold. <p>All documents included in the application process are published on the Board's website and are accessible by the public.</p>	<p>DOE publishes a notice of application in the Federal Register usually within 2 weeks of receiving the application that begins a 30-day public comment period. The application all public documents submitted during the application review process can be viewed on the program web site after the public notice appears or in the DOE public docket room, as specified in 10 CFR 205.13.</p> <p>The public involvement in the NEPA environmental analysis must meet the criteria in 40 CFR 1506.6-8. If an EIS is required, DOE must circulate the EIS and records of decision (ROD) in accordance with the Council of Environmental Quality Regulations and publish a Notice of Intent in the Federal Register that begins comment period of a minimum of 30 days. The DOE is required to hold a public EIS scoping meeting and publish a notice of the meeting at least 15 days before the meeting is held. The DOE is required to hold at least one public meeting to discuss the draft EIS and allow for a public comment period following the EIS draft meeting.</p> <p>If the DOE holds a public hearing, an officer will be appointed to conduct the meeting, a notice will be published in the Federal Register, and all parties interested in participating must submit an application to the DOE to gain intervener status.</p>
11	Additional Filing Information	<p>The Board may, within a reasonable time after the publication of the notice, require the applicant to furnish such information, in addition to that required to accompany the application, as the Board considers necessary to determine whether to make a recommendation pursuant to section 58.14 of the National Energy Board Act.</p> <p>The Board requires an Environmental Assessment (EA) for all power line applications. Details of the Board's EA requirements are set out within the NEB Electricity Filing Manual which applies to all NEB power line applications regardless of whether a permit or certificate application and whether or not the CEAA 2012 applies.</p> <p>For Permit applications the Electricity Regulations apply and these provide consideration for whether a provincial EA may also be required and conducted, and to minimize potential duplication.</p> <p>Sections 39 and 48(a) of the Regulations Designating Physical Activities (CEAA 2012) require that, any new electrical transmission line with a voltage of 345 kV or more and with 75 km or more of new right of way, and any new electrical transmission line in a wildlife area or migratory bird sanctuary, require an EA under the CEAA 2012.</p> <p>Chapter 5 of the NEB's Electricity Filing Manual sets out requirements and guidance for applicants with respect to</p>	<p>People with a Presidential permit for an international electric transmission facility must submit an annual report containing the information in 10 CFR 205.325 to the Economic Regulatory Administration by February 15 of each year.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
		consulting with other government departments who may have environmental responsibilities. Other government departments with relevant environmental responsibilities, such as Environment Canada, Parks Canada, Department of Fisheries and Oceans, or similar expert provincial government departments may also apply to participate in the NEB hearing process for certificate applications.	
12	Authorization/Issuance	The GIC has the ultimate authority to issue, issue with conditions, or reject a certificate. After GIC has given the Board permission to issue a certificate, the Board will issue a certificate subject to conditions. Following the satisfaction of any such conditions the majority of the IPLs regulatory obligations will reside with the approved provincial regulator (unless there was an election made to remain under federal jurisdiction).	The DOE can issue a Presidential permit after the DOE proves the proposed project meets the public interest based on NEPA environmental and the North American Electric Reliability Council (NERC) electric reliability requirements and has received consent from the Secretary of Energy, Secretary of Defense, and Secretary of State.
13	Timing	The time limit specified by the Board for determination of a certificate application is no longer than 15 months after the day on which the applicant has, in the Board's opinion, provided a complete application. The Board shall make the time limit public. For a permit hearing the Board shall endeavour to issue the permit within a reasonable timeframe depending on the completeness of the original application.	The Economic Regulatory Administration determines if an environmental assessment or an Environmental Impact Statement is required with 45 days of receiving the permit application. If an EIS is required then the Presidential permit application review process will likely take 18-24 months rather than the 6 months review process when an environmental assessment is required. The DOE must provide host state and tribes with the environmental assessment for their review and comment beginning a review period of 14-30 days. Any person petitioning for a repeal must file a petition of repeal with the General Council within 30 days of the decision as required in 10 CFR 205.85.
14	Maximum Term for IPL Authorizations	There is no time limit for the duration of the certification or permit issued by the Board.	Presidential permits are issued without term limits and are not transferable or assignable.
Exports and Imports			
15	Legislative Requirements	<p>North American Free Trade Agreement Implementation Act, S.C. 1993, c.44. NAFTA1993</p> <p>National Energy Board Act, R.S.C. 1985, c. N-7. NEB1985</p> <p>National Energy Board Electricity Regulations (SOR/97-130). NEB-ER2015</p> <p>National Energy Board Export and Import Reporting Regulations (SOR/95-563). NEB2015</p> <p>National Energy Board Rules of Practice and Procedure, 1995 (SOR/95-208). NEB1995</p> <p>Guidance (non-legislative):</p> <p>Electricity Memorandum of Guidance to Interested Parties Concerning Full Implementation of the September 1988 Canadian Electricity Policy (MOG); 23 January 2003; 11 July 2012 (Electricity MOG). MOG2012</p> <p>Frequently Asked Questions (FAQs) about Fair Market Access. NEBFAQ-1</p> <p>Frequently Asked Questions about NEB Electricity Export Application Service Standards. NEBFAQ-2</p> <p>Frequently Asked Questions about Notice of Application and Directions on Procedure. NEBFAQ-3</p> <p>Caveat: At the time of writing this document, there is a review process underway to update the NEB Electricity Regulations and NEB Export and Import Reporting Regulations due to the 2012 amendments to Part VI of the NEB Act. The changes proposed in 2013 are available on the NEB website.</p> <p>Memorandum of Understanding Concerning the Collection and Sharing of Information on Energy Statistics Between Statistics Canada and the National Energy Board November 1995 and amended December 2008) (StatsCan MOU), currently being updated.</p>	<p>Federal Water Power Act Section 202(e). As amended by 16 U.S.C. 824a(e). 10 CFR 205 Administrative Procedures and Sanctions. FWPA1920</p> <p>Executive Order 12038. Relating to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act. EO12038</p> <p>Executive Order 10485. Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States. EO10485</p> <p>The National Environmental Policy Act of 1969. NEPA1969</p> <p>40 CFR parts 1500–1508 The Council on Environmental Quality Regulations. Link</p> <p>Department of Energy Organization Act. DOE1977</p>
16	Criteria	<p>Part VI, Division II of the NEB Act sets out the requirement that no person shall export electricity without a permit or licence from the Board. Companies that already have the necessary certificates or permits to operate a transmission line must apply for export authorization only if the company intends to export electricity as a commercial transaction on its own behalf. The Board does not issue authorizations for electricity imports.</p> <p>For electricity proposed to be exported, the criteria the Board considers are: the effect of the exportation on provinces other than the exporting province; whether the applicant has informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who within a reasonable time after being so informed, demonstrate an intention to buy; and such considerations as may be specified in the NEB Electricity Regulations (none are currently specified).</p> <p>All export permit or licence holders must be legal persons.</p>	<p>Any owner or operator of an electrical transmission line must submit an export authorization application to the DOE to export electric energy. The U.S. federal government does not regulate electricity imports.</p> <p>The DOE reviews the application to ensure that the applicant has proved that the proposed export does not impair the electric power supply system's ability to meet U.S. demands, the export would not impede regional transmission system operating parameters causing the parameters to fall outside industry criteria, and the proposed export would meet environmental standards as required by NEPA.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
17	Procedure	<p>Applicants wishing to export must file an export permit application with the Board. The applicant may use the NEB Online Application System to submit the application. The applicant must publish a public notice of its application and notify Canadian utilities in certain cases. During the notice period, written comments may be submitted to the Board. The Board will examine the application and supporting information, the submissions of interested parties, and any other information that the Board might require from the applicant.</p> <p>If the Board is satisfied that the applicant has met the review criteria, the Board will issue an export permit. If the Board is unsatisfied, it may recommend that the Governor in Council (GIC) designate the application for a licensing procedure. If the GIC issues the order for a designation, the Board will determine whether to hold an oral or written public hearing. In such a case, once the Board has completed its review, it will either issue an export licence or deny the application.</p> <p>Part VI Division II of the NEB Act outlines the overall review process for electricity export applications including the application review criteria for export permits and licences. In general, applications will be reviewed under the process defined for export permits. The export licence review process will only be undertaken if the GIC, upon recommendation of the Board, designates a proposed export for a licensing procedure. Since 1990, the GIC has not designated an export application for a licensing procedure.</p>	<p>The applicant must submit an export authorization application to the DOE Office of Utility Systems of the Economic Regulatory Administration. If the applicant is interested in constructing, connecting, operating, or maintaining a transmission facility across international borders, the applicant must apply for a Presidential permit as required Executive Order 10485 and 12038 before applying for an export authorization.</p> <p>The application is sent to the Secretary of State and all affected State public utility regulatory agencies.</p> <p>The DOE must review the application to ensure that the proposed export will meet environmental standards and will not hurt the electricity system's ability to meet energy demands.</p> <p>The application review process for NEPA is similar to that of the review process for Presidential permits.</p> <p>The DOE must meet the public hearing requirements pursuant to 10 CFR Part 205 Subpart M and the same procedural requirements as Presidential permits pursuant of Executive Order 12038 and 10485.</p>
18	Application	<p>Part III of the NEB Electricity Regulations identifies specific requirements for border accommodation (section 8) and all other electricity export (section 9) applications. Several requirements are specified, including the key requirements: company and contact information; proof of notice publication; quantities of exports proposed; details of export agreements if available; and fair market access provisions. Additional information requirements pertain to potential terms and conditions that may be placed on an export authorization. Section 10 of the NEB Electricity Regulations identifies the matters for which terms and conditions may be included on electricity permits.</p> <p>Most applicants request blanket authorization to export electricity. For those applications, the Board provides an Online Application System which incorporates all the information requirements. However, if an applicant wishes to apply for an export permit for a specific export sales agreement, it must submit an application containing the information identified by the appropriate section of the NEB Electricity Regulations. Applicants are expected to file documents through the Board's electronic document repository at www.neb-one.gc.ca. If an applicant chooses to file an application by hard copy, 15 copies are required under the Electricity MOG. If an applicant files electronically, one hard copy must be subsequently filed with the applicant's signature.</p> <p>The Board does not charge an application fee.</p>	<p>The applicant must submit 5 copies of their export authorization application and 3 complete applications to the DOE Office of Utility Systems of Economic Regulatory Administration with the application filing fee of \$500 made payable to the Treasurer of the United States.</p> <p>If the proposed export is 1,000,000 kilowatt hours annually or greater, then applications must contain the content required in 10 CFR 205.302 and the exhibits required by 10 CFR 205.303 must be filed with the application.</p>
19	Public Notification	<p>Section 119.04 of the NEB Act requires applicants to publish a notice of application in the Canada Gazette Part I and any other publications that the Board considers appropriate. The Board has the authority to waive this requirement if there is a critical shortage of electricity due to terrorist activity.</p> <p>The Electricity Memorandum of Guidance outlines specific requirements for applicants that own electrical infrastructure that describe the appropriate publications for the notice and service of application copies on other Canadian utilities.</p> <p>The Board provides applicants with a standard notice format, in English and French, which invites public comment on the application and describes how people may participate in the review process. The comment period is a minimum of 30 days. The Board requires applicants to submit proof that the notice requirements have been met.</p> <p>As additional guidance, FAQs are available on the Board's website pertaining to the Notice of Application and Direction on Procedure for electricity export applications.</p> <p>The review process for electricity export applications is generally a summary written public comment process for which the applicant has the final right of reply to any submitted comments. In the case in which the GIC has designated an export application for a licensing procedure, the Board may determine that a public hearing is required pursuant to section 24(3) of the NEB Act.</p>	<p>DOE publishes a notice of application in the Federal Register usually within 2 weeks of receiving the application that begins a 30-day public comment period. The application and public documents submitted during the application review process can be viewed on the program website after the public notice appears or in the DOE public docket room, as specified in 10 CFR 205.13.</p> <p>The public involvement in the NEPA environmental analysis must meet the criteria in 40 CFR 1506.6-8. If an EIS is required, DOE must circulate the EIS and records of decision (ROD) in accordance with the Council of Environmental Quality Regulations and publish a Notice of Intent in the Federal Register that begins comment period of a minimum of 30 days. The DOE is required to hold a public EIS scoping meeting and publish a notice of the meeting at least 15 days before the meeting is held. The DOE is required to hold at least one public meeting to discuss the draft EIS and allow for a public comment period following the EIS draft meeting.</p> <p>If the DOE holds a public hearing, an officer will be appointed to conduct the meeting, a notice will be published in the Federal Register, and all parties interested in participating must submit an application to the DOE to gain intervenor status.</p>
20	Additional Filing Information	<p>Section 119.05 of the NEB Act, allows the Board to obtain additional information from applicants, in addition to that required to accompany the application, in order to assess whether the review criteria have been met.</p>	<p>The DOE may ask for additional information from the applicant to assist in their review to ensure the proposed export will not affect the ability of the electric system to meet U.S. energy demand and will meet environmental requirements.</p>
21	Authorization/Issuance	<p>If the Board is satisfied that the applicant has met the review criteria, the Board shall issue an export permit. If the Board is unsatisfied, it may recommend that the GIC designate the application for a licensing procedure. If the GIC does not issue the order for a designation, the Board shall issue an export permit. If the GIC issues the order for a designation, once the Board has completed its review through a licensing procedure, the Board will either issue an export licence or deny the application.</p>	<p>The DOE issues export authorizations if it is satisfied that the information provided conforms to its requirements and all concerns have been addressed.</p> <p>Export authorization permits are not transferrable or assignable but the Economic Regulatory Administration (ERA) may grant temporary transfer in the event of an involuntary transfer as long as a notice is received 30 days in advance.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Canada	United States
	RESPONSIBLE AUTHORITY	National Energy Board (NEB)	Department of Energy (DOE)
		Pursuant to section 119.094 of the NEB Act, the GIC has the authority to make regulations identifying application review criteria for the NEB, prescribing matters for terms and conditions of permits, and measurement and inspection of books, instruments, equipment, etc. used in connection to the exportation of electricity.	A joint application containing all the information required by 10 CFR 205 and a statement of reasons for the transfer must be submitted to the DOE for a voluntary transfer of authority to export electricity.
22	Timing	The Board has established service standards, available on the Board's website, for export applications whereby, depending on the category assigned, the review process is targeted for completion in 40 or 90 days following the completion of the Notice of Application period. The Board does not have service standards for applications requesting amendments to previously issued permits or licences. The review process (pursuant to sections 21 of the NEB Act) for these types of applications varies based on the facts. Some applications will require a public notice component as part of the review. In general, most amending order applications are completed within 3 months of being submitted to the Board.	The DOE review process of export authorization applications takes about 3 to 6 months. All export authorization changes should be filed with the DOE within 30 days of the effective change.
23	Maximum Term for Export Authorizations	The term of the permit or licence is not to exceed 30 years. The term of the authorization issued by the Board is dependent on the term of the associated export contract. If no export contract is in effect, and the applicant is seeking a blanket authorization to export, the term is typically 10 years.	Currently, initial authorizations issued to power marketers, or traditional utilities operating as marketers are limited to 2 years; renewals are limited to 5 years. Exports by traditional utilities, exporting from their own generation resources, are currently issued without term limits. Exceptions have been granted. Renewals may be sought 6 months prior to expiration. Longer terms may be available on a case-by-case basis.
24	Reporting Requirements	Section 8 of the NEB Export and Import Reporting Regulations outlines the specific reporting requirements for electricity exports. All export permit or licence holders must submit trade information monthly. Monthly reports are filed using the Board's Commodity Tracking System (CTS). The only exception to the monthly requirement is for exports under a border accommodation permit. Border accommodation permit holders need only report trade activity once every 6 months. The Board does not regulate electricity imports. However, the Board has a Memorandum of Understanding with Statistics Canada which requires the Board to collect electricity import statistics on behalf of Statistics Canada. Monthly import reports are also filed using the NEB's CTS system. Should an export permit or licence holder experience a corporate name change or transfer of ownership, it should request an amending order from the Board. In addition, permit or licence holders may request an amending order if any terms and conditions of existing authorizations are no longer applicable or need modification. Permits may be varied pursuant to section 21 or transferred pursuant to section 21.2 of the NEB Act if the Board so authorizes it. Licence variations require additional GIC approval.	Anyone holding an export authorization or Presidential permit must submit annual reports to the DOE by February 15 of each year that summarizes electricity trade with Canada and Mexico. The DOE may require reports to be submitted quarterly, depending on the export arrangement. The holder of an export authorization should file all supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with the DOE 30 days before the effective change.
		Canada	United States
	RESPONSIBLE AUTHORITY	Environment Canada	Environmental Protection Agency (EPA)
24A	Applicable If	A proposed international transmission line project has potential impact on water quality, migratory birds or species at risk.	A transmission line project requires a federal action, such as a Presidential Permit for cross-border transmission projects. This agency ensures energy sector compliance with environmental laws and is responsible for ensuring that federal laws that protect human health and the environment are enforced fairly and effectively.
25	Statute or Regulation	<p>Pollution Prevention Provisions (Section 36(3) and (4) of the Fisheries Act, 1985 FA1985)</p> <p>Canadian Environmental Protection Act, National Pollutant Release Inventory Reporting Requirements, 1999. CEPA1999</p> <p>Migratory Birds Convention Act (MBCA), 1994. MBCA1994</p> <p>Species at Risk Act, 2004. SARA2004</p>	<p>40 CFR parts 1500–1508 The Council on Environmental Quality Regulations. 40CFR1500</p> <p>The National Environmental Policy Act of 1969. Section 102(2). NEPA1969-2</p> <p>The Clean Air Act of 1963. Link</p> <p>The Clean Water Act of 1972 33 USC 1342.10 CFR 205.302 Application for Authorization to Transmit Electric Energy to a Foreign Country (Part 205). CWA205</p> <p>75 FR 75628 Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act. 40CFRCEQ</p> <p>40 CFR 1507.3 EPA Agency Procedures. 40CFR1507</p> <p>33 CFR Parts 320-332 Army Corp of Engineers Regulations and Procedures. 33CFR320</p>
26	Regulated Activity	<p>Environment Canada (EC) has general responsibility for environmental management and protection and the development of policy and programs aimed at preservation and enhancement of the quality of the natural environment.</p> <p><u>Pollution Prevention Provisions (Section 36(3) and (4) of the Fisheries Act, 1985:</u></p> <ul style="list-style-type: none"> EC administers Section 36 (3) and (4) of the Fisheries Act, which is the "general prohibition" to the deposition of deleterious substances into waters frequented by fish. "deleterious substance" as defined in subsection 34(1) of the Act, in conjunction with court rulings, includes any substance with a potentially harmful chemical, physical or 	<p>The DOE 10 CFR 1021.216 requires applicants to consult with the appropriate Federal, State, regional and local agencies, American Indian Tribes and other potentially interested parties in preliminary planning states to identify factors and permitting requirements and 10 CFR 205.302 requires Presidential permit applications to include the Federal, State, or local government agency which may have jurisdiction of the application.</p> <p>The Administrator of the Environmental Protection Agency is required under Section 309 of the Clean Air Act to review and publicly comment on the environmental impacts of major federal actions, specifically actions subject to Environmental Impact Statements. If the EPA determines that the federal action will have an adverse effect on the</p>

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	Canada	United States
RESPONSIBLE AUTHORITY	Environment Canada	Environmental Protection Agency (EPA)
	<p>biological effect on fish or fish habitat.</p> <ul style="list-style-type: none"> Meeting the requirements of the <i>Fisheries Act</i> is mandatory, irrespective of any provincial regulatory or permitting system. The release of substances with the potential to be “deleterious,” as identified in Subsection 34(1) of the <i>Fisheries Act</i>, from the construction, operation, reclamation or decommissioning stages of the Project in any waters frequented by fish, may constitute violations of the <i>Fisheries Act</i>. EC will provide advice to proponents on how introducing deleterious substances to fish bearing waters can be avoided. <p><u>Ocean Disposal provisions under the <i>Canadian Environmental Protection Act 1999</i> and related regulations that govern requirements for disposal at sea permitting:</u></p> <ul style="list-style-type: none"> In Canada, disposal at sea is prohibited without a permit and is controlled by CEPA 1999. The disposal at sea provisions of CEPA 1999 apply when a substance is loaded onto a ship, aircraft, platform or other structure and disposed of into the marine or estuarine environment; The <i>Regulations Respecting Applications for Permits for Disposal at Sea</i>, under CEPA 1999, set out the application form and information requirements for submitting a permit application; The <i>Ocean Dumping Permit Fee Regulations</i> (site monitoring), under the <i>Financial Administration Act</i>, set out the permit fee for dredged and excavated materials; The <i>Disposal at Sea Regulations</i>, under CEPA 1999, set out the reporting requirements for emergency dumping incidents and the action list for screening of dredged and excavated material; EC may issue a permit if the waste material fits Schedule 5, the assessment indicates that disposal at sea is the best management option, and impacts to the marine environment can be prevented or mitigated. EC may inspect disposal activities and/or monitor disposal sites to inform future decision-making. <p><u>National Pollutant Release Inventory (NPRI) Reporting Requirements under the <i>Canadian Environmental Protection Act 1999</i>:</u></p> <ul style="list-style-type: none"> If a power generation, transmission, or distribution system releases a substance that is included in the NPRI reporting requirements, then the facility must report to the NPRI, as required by the <i>Canadian Environmental Protection Act 1999</i>. <p><u>Migratory Birds Convention Act and its complementary Regulations:</u></p> <ul style="list-style-type: none"> Section 5.1 of the MBCA prohibits the deposit of a substance that is harmful to migratory birds in waters or an area frequented by migratory birds or in place from which the substance may enter such waters or such an area. MBCA also prohibits the possession of a migratory bird, nest, or egg without lawful excuse. MBCA s. 5.1(3)(b) Ministerial authorization, for the deposit (type and quantity) of a substance or combination of substances, harmful to migratory birds, into water frequented by migratory birds. The <i>Migratory Birds Regulations</i> (MBR) provide for the conservation of migratory birds and for the protection of individuals, their nests and egg. A prohibition against the disturbance, destruction, or taking of a nest, egg or nest shelter of a migratory bird is set out in subsection 6(a) of the MBR. <p><u>Species at Risk Act (SARA), 2004:</u></p> <ul style="list-style-type: none"> EC administers and enforces SARA, in partnership with the Department of Fisheries and Oceans and the Parks Canada Agency. Minister of Fisheries and Oceans is a competent Minister for aquatic species and their critical habitat, and the Minister responsible for the Parks Canada Agency is a competent Minister for any species and their critical habitat found in or on federal lands administered by Parks Canada. Schedule 1 of SARA provides a list of wildlife species at risk in Canada that are considered extirpated, endangered, threatened, or of special concern. SARA provides automatic protection for aquatic species and birds protected by the MBCA, if they are listed as extirpated, endangered or threatened. The prohibitions in Sections 32 and 33 of SARA apply whether these species are on federal, provincial or territorial lands. These automatic prohibitions also apply to all other species listed as extirpated, endangered or threatened which are located on federal lands. In certain circumstances as set out in SARA the prohibitions could also apply on provincial lands. Under section 79(1) of SARA the NEB is required to notify the competent minister(s) in writing if the project is likely to affect a listed wildlife species or its critical habitat. “79. (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 67(a) or (b) of the Canadian Environmental Assessment Act, 2012 in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.” Under the authority of subsection 79(2), the NEB must also identify diverse effects on listed species, including 	<p>environmental the EPA can then refer the matter to Council of Environmental Quality.</p> <p>If the Presidential permit is approved, the applicant must submit applications for the appropriate permits in order to begin construction. Permits regulated by the EPA include an application for a National Pollutant Discharge Elimination System (NPDES) general permit to the EPA under the Clean Water Act 33 USC 1342, and a 404 permit under the Clean Water Act 33 USC 1344 to discharge dredged or fill material into water on tribal lands.</p> <p>The Army Corp of Engineers or State applying for Section 401 Water Quality Certification sends their application to the EPA. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of the public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2), as specified under 33 CFR part 325.2.</p>

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		Canada	United States
	RESPONSIBLE AUTHORITY	Environment Canada	Environmental Protection Agency (EPA)
		<p>species of special concern, and on the critical habitat of extirpated, endangered and threatened species; and, if the project is carried out, ensure that measures are taken to avoid or lessen those effects and to monitor them. These measures must be consistent with best available information including any recovery strategy, action or management plan (in a final or proposed version), respect the terms and conditions of SARA regarding protection of individuals, residences, and critical habitat of extirpated, endangered, or threatened species.</p> <ul style="list-style-type: none"> • The competent minister's role within EA is to provide technical advice and support to the NEB to assist in addressing these requirements. However, the SARA competent minister also has certain specific obligations relative to species and critical habitat protection stemming from SARA itself, separate from CEAA 2012 or the EA process. As such, <u>the proponent must also meet any statutory obligations under SARA.</u> • Species at Risk Act – listed wildlife species and critical habitat permits: A project undergoing a federal environmental assessment may involve an activity that is prohibited under SARA. In order to proceed, such a project will require a permit under SARA. The need to obtain a permit under SARA may give rise to additional considerations during the environmental assessment. • Under sections 73, 74 and 78 of SARA, permits, agreements, licences, orders or other similar documents can be issued or made for activities that are otherwise prohibited, where: the activity is scientific research relating to the conservation of the species and conducted by qualified persons; the activity benefits the species or is required to enhance its chance of survival in the wild; or, affecting the species is incidental to the carrying-out of the activity. 	
27	Application Procedure	<p><u>Species at Risk Act</u>: 73(3): The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that:</p> <p>(a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;</p> <p>(b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and</p> <p>(c) the activity will not jeopardize the survival or recovery of the species.</p> <p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act</u>: Specific information on how to apply for a disposal at sea permit for dredged or excavated material can be found at Environment Canada's website.</p>	<p>The EPA assists the Army Corp of Engineers in reviewing CWA Section 404 permit applications. Applications must demonstrate that the discharge of dredged or fill material would not significantly degrade the nation's waters and there are no practicable alternatives less damaging to the aquatic environment. Applicants should also describe steps taken to minimize impacts to water bodies and wetlands and provide appropriate and practicable mitigation. Permits cannot be issued until proof of compliance with the Endangered Species Act and/or Section 106 of the National Historic Preservation Act.</p> <p>The Applicant has 30 days after receiving written notice of the need for a Spill Prevention Control and Countermeasure plan from the EPA Administrator to submit their Spill Prevention Control and Countermeasure plan. The EPA will review the plan and make a final decision. The applicant has 30 days to file a final decision appeal with the EPA.</p> <p>A Licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of the EPA. The Professional Engineer must attest: that he is familiar with the requirements of this part; that he or his agent has visited and examined the facility; that the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part; that procedures for required inspections and testing have been established; and that the Plan is adequate for the facility.</p>
28	Public Notification	<p><u>Species at Risk Act</u>: 73 (3.1): If an agreement is entered into or a permit is issued, the competent minister must include in the public registry an explanation of why it was entered into or issued, taking into account the matters referred to in paragraphs 3)(a), (b) and (c) of the Species at Risk Act.</p> <p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act</u>: The Applicant must publish a Notice of Application in a local newspaper. This notice explains the proposed activities, including duration, location and quantities of material intended for disposal. The public is invited to submit comments throughout the application process. A template for the Notice of Application can be downloaded from EC's Disposal at Sea website.</p>	<p>If the DOE requires an EIS, the DOE must make the EIS available to interested federal, state, and local agencies, and tribes and must notify the EPA when the EIS is available so the EPA can publish a Notice of Availability.</p>
29	Public Involvement Requirements	<p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act</u>: EC must publish a copy of the permit and its conditions to the CEPA Environmental Registry. This process takes 14 days, including a 7-day public comment period. Under CEPA 1999 section 134, a person has 7 days to file a Notice of Objection, based on an EC decision to issue, refuse, suspend, revoke or vary the conditions of a permit. The Notice of Objection must request that the Minister of the Environment establish a Board of Review under CEPA section 333 and must state the reasons for the objection. The Board of Review will inquire into the matter raised by the Notice of Objection.</p>	Not applicable.
30	Additional Filing/Permitting Information	<p><u>Species at Risk Act</u>: Permits may be issued for a period of up to three years, while agreements may be made for a maximum of five years. All permits or agreements must be accompanied by an explanation of why they were issued, and this explanation is to be posted in the Species at Risk Public Registry.</p>	<p>Please see the DOE's Environmental Impact Statement procedures.</p> <p>After the EPA Administrator issues a final decision on a Spill Prevention Control and Countermeasure plan, the applicant has 30 days to issue an appeal. The EPA then has 60 days to review the appeal and make a final decision.</p>
31	Timing (high-level)	<p><u>Species at Risk Act</u>: 8(3): If the Minister of the Environment delegates responsibility of a decision with an agreement, a copy of the agreement must be included in the public registry within 45 days after it is entered into, and a copy of every annual report must be included in the public registry within 45 days after it is received by the delegating</p>	<p>Please see the DOE's Environmental Impact Statement procedures.</p> <p>404 Permit decisions are made within 2-6 months but if an Environmental Impact Statement is required, the permit</p>

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		Canada	United States
	RESPONSIBLE AUTHORITY	Environment Canada	Environmental Protection Agency (EPA)
		<p>minister.</p> <p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act:</u> Upon completion of the entire application review and approval process, which can take up to 90 calendar days for a complete application, EC must publish a copy of the permit and its conditions to the CEPA Environmental Registry pursuant to CEPA 1999, section 133. This publication process requires a total of 14 days including seven days for permit processing and another seven days for publication in the CEPA Environmental Registry. The permittee may begin operations in accordance with permit conditions. The start date for loading and disposal is always set to account for the Registry publication period (up to 14 days following the 90-day review process).</p>	<p>approval process can take about 3 years.</p>
32	Life time for Permit or Authorization (if applicable)	<p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act:</u> EC will consider an assessment with a time frame extending up to five years. However, permits can only be granted for a maximum duration of one year, so a permit application to authorize activities for each year that disposal activities take place is still needed. In these cases, the previous assessment can simply be resubmitted (as opposed to redone) provided that the information contained and basic impact statements remain valid.</p>	<p>Please see the DOE's Environmental Impact Statement procedures.</p>
33	Reporting Requirements	<p><u>NPRI</u> Facilities must report quantities of NPRI substances that are released to air, water or land; that are disposed of on- or off-site, including substances in tailings and waste rock, and that are transferred off-site for treatment prior to final disposal or for recycling. NPRI reporting requirements are published in the Canada Gazette, Part I every two years. Facility reports must be submitted annually by June 1st. Information submitted to the NPRI is published on the NPRI website. EC can provide advice and guidance on NPRI substances and on monitoring and reporting.</p> <p><u>Disposal at Sea provisions under the Canadian Environmental Protection Act:</u> A permittee is required to submit reports to the Disposal at Sea Program office as specified in the permit. Reporting of disposed volumes or tonnage is an important part of the responsibilities outlined in a permit. The amount of material reported at the end of operations is used to process any refund requests, and to calculate any refund of permit fees to be paid (only applicable to dredged and excavated material). The Final Report shall contain the loading site, disposal site, date and times of disposal, and the quantity of material. If applicable, coordinates of each disposal event shall also be provided. For certain permit types, the Disposal at Sea Program office may provide a template for reporting purposes.</p>	<p>Please see the DOE's Environmental Impact Statement procedures.</p>
		Canada	United States
	RESPONSIBLE AUTHORITY	Department of Aboriginal Affairs and Northern Development Canada (AANDC)	Bureau of Indian Affairs (BIA)
33A	Applicable If	<p>A proposed transmission line project intersects First Nations reserve land administered under the Indian Act.</p>	<p>A proposed transmission line project crosses land held in trust for Native Americans.</p>
34	Statute or Regulation	<p>Indian Act, R.S.C. 1985, c. I-5.</p> <p>Land Management Manual, 2002</p> <p>[Refer to NEB for CEAA compliance requirements. It should be noted that AANDC has regulatory responsibility when a transmission line project intersects First Nations reserve land administered under the Indian Act, including compliance with Section 28(2) permitting. The AANDC has advisory responsibilities to support the Government of Canada's Aboriginal consultation activities but defers to the NEB and Environment Canada for compliance with the Canadian Environmental Assessment Act of 2012 for environmental review of major transmission projects.</p> <p>In addition, the common law duty to consult is based on judicial interpretation of the obligations of the Crown in relation to potential or established Aboriginal or Treaty rights of the Aboriginal peoples of Canada, recognized and affirmed in section 35 of the Constitution Act, 1982. The Government of Canada consults with First Nations, Métis and Inuit people for many reasons including statutory, good governance and common law duty to consult. The Crown has a duty to consult when three elements are present: Contemplated Crown conduct; Potential adverse impacts; and Potential or established Aboriginal or Treaty rights recognized and affirmed under section 35 of the Constitution Act, 1982. For information, please consult the Updated Guidelines for Federal Officials to Fulfill the Duty to Consult.]</p>	<p>16 U.S.C. 470 National Historic Preservation Act Section 106. NHPA106</p> <p>36 CFR 800 Protection of Historic Properties. 36CFR800</p> <p>25 CFR 169 Rights-of-Way Over Indian Lands. 25CFR169</p> <p>16 U.S.C. (American Indian Religious Freedom Act, Archeological Resources Protection Act, National Historic Preservation Act). 43CFR7</p> <p>16 U.S.C. 803(e) Federal Regulation and Development of Power. 16USC803</p> <p>The National Environmental Policy Act of 1969. NEPA1969</p>
35	Regulated Activity	<p><u>Section 28(2) of Indian Act</u></p> <p>The Minister may by permit in writing authorize any person for a period not exceeding one year, or with the consent of the council of the band for any longer period, to occupy or use a reserve or to reside or otherwise exercise rights on a reserve.</p> <p>A permit is the right to use reserve lands in a limited, specific way for a defined period of time. For example, permits are issued for rights of way to run power lines, for agriculture, or to remove clay, sand, gravel or wild timber. While a lease grants exclusive possession of a parcel of land, a permit does not.</p>	<p>The Bureau of Indian Affairs provides services directly or through contracts, grants, or compacts to 566 Federally recognized tribes.</p> <p>No right-of-way shall be granted over and across any tribal land, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the tribe except for right-of-ways upon tribal lands within a reservation for the purpose of constructing, operating, or maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other works which shall constitute a part of any project for which a license is required by the Federal Power Act, as stated under 25 CFR 169.2. The Federal Power Act provides that any license</p>

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		Canada	United States
	RESPONSIBLE AUTHORITY	Department of Aboriginal Affairs and Northern Development Canada (AANDC)	Bureau of Indian Affairs (BIA)
		<p>More than one permit may be issued over the same parcel of land provided the uses are compatible. Permits are approved by the First Nation and issued by the Minister of Aboriginal Affairs and Northern Development. For more information refer to AANDC Lands Management Manual (2002) Chapter 6.</p> <p><u>Section 35 of the Indian Act</u></p> <p>Section 35 Easement means the grant or transfer of less than a full interest in reserve lands to an expropriating authority for a specific purpose. When Canada grants or transfers less than a full interest under Section 35 of the Indian Act, the underlying interest remains with Canada and continues to have "reserve" status. For more information please refer to Chapter 9 of the Land Management Manual. For a additional reference, refer to the complete AANDC Lands Management Manual (2002)</p>	<p>which shall be issued to use tribal lands within a reservation shall be subject to and contain such conditions as the Secretary of the Interior shall deem necessary for the adequate protection and utilization of such lands. (16 U.S.C. 797(e)). In the case of tribal lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), the Federal Power Act requires that annual charges for the use of such tribal lands under any license issued by the Federal Power Commission shall be subject to the approval of the tribe (16 U.S.C. 803(e)).</p> <p>No grant of a right-of-way shall be made without the payment of such compensation as the Secretary of the Interior shall determine to be just. The compensation received on behalf of the Indian owners shall be disposed of under rules and regulations to be prescribed by the Secretary of the Interior, under 25 USC Section 325.</p>
36	Application Procedure	<p>Annex B of the Lands Management Manual provides a detailed checklist of the permit process for Section 28(2) permit from the Indian Act. Annex A of Chapter 9 of the Lands Management Manual provides a description of the section 35 transaction process.</p>	<p>The applicant must submit an application for right-of-way to the Secretary under 25 CFR 169.27 for power projects and the application must meet the application requirements pursuant to 25 CFR 169. Permits for the use of Indian land do not require BIA approval; however, applicants must fulfill the requirements to: ensure that permitted activities comply with all applicable environmental and cultural resource laws; and submit all permits to the appropriate BIA office to allow a copy of the permit in BIA's records. If BIA determines within 10 days of submission that the document does not meet the definition of "permit" and grants a legal interest in Indian land, BIA will notify the applicant that a lease is required and the applicant must then apply for a lease.</p> <p>Upon receipt of an application for a license, the Utility Commission shall solicit recommendations from the agencies and Indian tribes for proposed terms and conditions for the Commission's consideration for inclusion in the license. 16 U.S.C. 803</p> <p>In the case of an action with effects primarily of local concern the DOE must provide Notice to Indian tribes when effects may occur on reservations of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected. 40 CFR 1506</p> <p>If an Environmental Impact Statement is required, the DOE must issue a notice to announce the scoping of the EIS and any public meeting about scoping. The DOE is also required to release a record of decision on the final impact statement in collaboration with other interested federal agencies, pursuant to 25 CFR 161.</p> <p>A reasonable annual charge must be fixed for the use of Indian land, and such charges may be readjusted by the Commission at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing.</p> <p>Licenses for the development of transmission or distribution of power issued for on tribal lands within Indian reservations are except for issuing free licenses for projects 2,000 horsepower or less.</p> <p>In any proceeding the Commission shall afford each Indian tribe a reasonable opportunity to present their views and recommendations in respect to the need for and impact of the permit.</p> <p>The Secretary shall coordinate the Federal authorization and review process under this subsection with any Indian tribes and they may enter the memorandum of understanding, as stated under 16 CFR.</p>
37	Public Notification	<p><u>Section 28(2) permit</u></p> <p>Notice Addresses: The permit should identify addresses for giving notice to the parties.</p>	<p>Applicants must receive consent from landowners to conduct a survey of the area regarding the right-of-way application.</p>
38	Public Involvement Requirements	<p><u>Section 28(2) permit</u></p> <p>The consent of the First Nation council must be obtained before the granting of any permit.</p>	<p>The license applicant and any party to the proceedings shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions 16 CR 797.</p>
39	Additional Filing/Permitting Information	<p>Not applicable.</p>	<p>Under the Federal Power Act, annual charges for the use of tribal lands for constructing, operating, or maintain transmission lines are subject to the approval of the tribe pursuant to 16 U.S.C. 803(e).</p> <p>The applicant must file an Affidavit of completion with the Secretary upon completion of construction.</p> <p>All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation.</p> <p>The Secretary of the Interior may issue a grant or renewal of a right-of-way, or expansion of a right-of-way by amendment, for energy transportation, including electric transmission lines, over and across any lands belonging to a tribe, when the applicant for such grant, renewal, or expansion and the tribe cannot agree to the terms for the tribe's consent, if (1) the applicant tenders an amount the Secretary of the Interior determines to be just compensation for the rights granted and (2) the Secretary determines that the right-of-way applied for is not incompatible with existing uses of affected tribal lands. Just compensation shall be the fair market value of the rights granted, plus severance damages, if any, to the remaining estate, determined in accordance with generally accepted principles of property valuation. As specified under 15 CFR 324a.</p>

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		Canada	United States
RESPONSIBLE AUTHORITY		Department of Aboriginal Affairs and Northern Development Canada (AANDC)	Bureau of Indian Affairs (BIA)
40	Timing (high-level)	Not applicable.	Licenses may be altered or surrendered only upon mutual agreement between the licensee and the Commission after thirty days' public notice.
41	Life time for Permit or Authorization (if applicable)	<u>Lands Use Manual Chapter 6</u> 4.5 Duration of a Permit: a) Where possible, the duration of Section 28(2) permits should have a defined period of years, months, etc. However, it is possible for a Section 28(2) permit to have an indeterminate period so long as the termination of the permit is defined by the happening of a reasonably determinable event. In the Opetchesaht case, the Supreme Court found that "a period of time required for the purpose of an electric power transmission line constituted such a determinable event." For permits with an indeterminate term, we generally use the language "for as long as required"; b) The duration of a Section 28(2) permit is best kept as short as possible depending on the particular circumstances with the consent of the First Nation council.	All rights-of-ways shall be for a period of not to exceed 50 years. Licenses under 16 CR 797 s shall be issued for a period not exceeding fifty years. Each preliminary permit issued under 16 CR 797 s shall be for the sole purpose of maintaining priority of application for a license under the terms of this chapter for such period or periods, not exceeding a total of three years.
42	Reporting Requirements	Not applicable.	Each existing licensee shall notify the Commission whether the licensee intends to file an application for a new license or not. Such notice shall be submitted at least 5 years before and include a list of Indian lands included in the project boundary the expiration of the existing license.
		Canada	United States
RESPONSIBLE AUTHORITY		Canadian Forestry Service – Does Not Apply	U.S. Forest Service (USFS)
42A	Applicable If		The proposed transmission line project crosses USFS lands.
43	Statute or Regulation		National Forest Management Act. NFMA1976 36 CFR 251 Land Uses. 36CFR251 16 USC 535 Forest development roads; acquisition, construction, and maintenance; maximum economy; methods of financing; cost arrangements for construction standards; transfer of unused effective purchaser credit for road construction. 16USC535 16 USC 537 Maintenance and reconstruction by road users; funds for maintenance and reconstruction; availability of deposits until expended, transfer of funds, and refunds. 16USC537 The National Environmental Policy Act of 1969. NEPA1969
44	Regulated Activity		The U.S. Forest Service protects and manages 154 national forests and grasslands in order to sustain the health of the protected areas.
45	Application Procedure		Applicants are required to apply for a special use permit and a planning permit authorizing construction, operation and maintenance of an electric transmission line if the proposed project runs through national forests.
46	Public Notification		The applicant must file an early notice to the relevant Forest Service office(s) about their intent to file an application for special land use. The commercial special use permit must be filed with the District Ranger or Forest Supervisor that has jurisdiction and must provide the content specified in 36 CFR 251.54. The pre-application will undergo an initial and second-level screening to ensure that all application requirements are met, including compliance with NEPA and all necessary right-of-ways have been obtained before the application is accepted. The Forest Service can decide to hold a pre-application meeting, return the application for inclusion of additional information, continues the review process. If the application continues the review process, the Forest Service will determine the adequacy of the proposed action and the environmental analysis included in the application and ensures that all application requirements are met before issuing the special use permit application. In addition to the special use permit, the applicant may also be required to file an operation and Maintenance Plan and apply for a road use permit under 16 USC 535 and 537.
47	Public Involvement Requirements		Federal, State, and local government agencies and the public will receive notice and have an opportunity to comment on the application when it is accepted. There will also be a public comment period during the application review process and when the final decision is issued. All notices are published in the Federal Register as required by 5 CFR Part 1320.
48	Additional Filing/Permitting Information		The special use permit is subject to terms and conditions, as specified in 36 CFR 251.56 and rental fees, 36 CFR

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		Canada	United States
	RESPONSIBLE AUTHORITY	Canadian Forestry Service – Does Not Apply	U.S. Forest Service (USFS)
			251.57.
49	Timing (high-level)		Upon approval of the special use authorization, the applicant must sign and return the authorization to the authorizing officer within 60 days.
50	Life time for Permit or Authorization (if applicable)		A special use authorization becomes effective when it is signed by the applicant and authorizing officer. A special use permit may not be issued for more than 10 years.
51	Reporting Requirements		Not applicable.
		Canada	United States
	RESPONSIBLE AUTHORITY	Parks Canada Agency	U.S. Park Service
51A	Applicable If	A proposed transmission line occurs on lands and waters set aside for protection under Parks Canada Agency.	A proposed transmission line project crosses a U.S. National Park, on or near an American national monument, or other conservation and historical properties managed by the Park Service.
52	Statute or Regulation	Canadian National Parks Act. CNPA2000	National Historic Preservation Act Section 106. NHPA106 16 USC 79 Right of Way for Public Utilities. 16USC79 Land and Water Conservation Fund Act of 1965. LWCF1965 The National Environmental Policy Act of 1969. NEPA1969
53	Regulated Activity	The Parks Canada Agency protect natural and cultural heritage of Canada.	The National Park Service provides a technical review of projects proposed on land under their jurisdiction to ensure the protection of recreational areas.
54	Application Procedure	Model Class Screening Report Canadian National Parks Act Section 15 gives the Minister of the Environment the right to enter into leases of public lands in parks for the right of way of existing electrical transmission lines. The Dominion Water Power Act Section 15 gives the Governor in Council authority to make regulations regarding the development, transmission, and use of water-power through public lands to other lands. Link Parks Canada can participate in the NEB review process of CPCN and permit applications if the proposed project affects land under their supervision or land proposed to be under their supervision. Park Canada can become an intervener and play a role as an expert advisor or landowner and play a large part in the environmental assessment section of the application.	The National Park Service holds jurisdiction of all National Historic Trails. If the proposed project crosses land under NPS jurisdiction, then NPS is required under NEPA to be included in the environmental assessment and required to be consulted and given a reasonable opportunity to provide comments on the application under National Historic Preservation Act (NHPA) Section 106.
55	Public Notification	NEB reviews intervener or commenter applications and publishes a ruling on participation in the public registry. All comments and responses are published and available for public review. Please see NEB regulations for further information.	Please see DOE's public notification process.
56	Public Involvement Requirements	Not applicable.	Not applicable.
57	Additional Filing/Permitting Information	Interveners are allowed to file written evidence, ask questions regarding the proposal, comment on draft conditions, and present written and oral argument.	Please see DOE's environmental assessment procedures.
58	Timing (high-level)	Deadlines and expectations for intervener and commenter applications, evidence submission, and hearing dates are published by NEB in the Hearing Order.	Please see DOE's process timing.
59	Life time for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
60	Reporting Requirements	Not applicable.	Not applicable.

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		Canada	United States
RESPONSIBLE AUTHORITY		Department of Fisheries and Oceans	U.S. Fish and Wildlife Service
60A	Applicable If	A proposed transmission line project impacts fish and wildlife species protected under this agency's statutes.	A proposed transmission line project impacts federally listed and protected fish and wildlife species.
61	Statute or Regulation	<p>Fisheries Act, 1985.</p> <p>Species at Risk Act, 2004.</p> <p>Canadian Environmental Assessment Act, 2012.</p>	<p>Migratory Bird Treaty Act of 1918 (16 U.S.C.703). MBTA1918</p> <p>Bald and Golden Eagle Protection Act of 1940(16 U.S.C.688). BGEPA1940</p> <p>Fish and Wildlife Coordination Act of 1958 (16 U.S.C.661). FWCA1958</p> <p>National Wildlife Refuge Systems Administration Act of 1966(16 U.S.C.668dd). NWRSA1966</p> <p>The Endangered Species Act of 1973 (16 USC 1531). ESA1973</p> <p>50 CFR 25 Wildlife and Fisheries. 50CFR25</p>
62	Regulated Activity	<p>The Department of Fisheries and Oceans is responsible for developing and implementing policies and programs that support Canada's oceans and inland waters in an economic ecological and scientific manner.</p> <p>Species at Risk Act- listed wildlife species and critical habitat permits:</p> <p>8(3): The Minister of the Environment is responsible for carrying out the Species at Risk Act but may delegate the responsibility upon an agreement between the delegating minister and the delegate and the agreement must provide that the delegate is to prepare an annual report for the delegating minister on the activities undertaken under the agreement.</p> <p>For species at risk, Environment Canada is involved for regulatory approval of terrestrial species at risk and the Minister responsible for the Parks Canada Agency must be consulted while the Department of Fisheries and Oceans is involved in any aquatic species at risk and the Minister of Fisheries and Oceans must be consulted.</p> <p>73 (1) The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>73 (4) If the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the competent minister must consult the wildlife management board before entering into an agreement or issuing a permit concerning that species in that area.</p> <p>73 (5) If the species is found in a reserve or any other lands that are set apart for the use and benefit of a band under the Indian Act, the competent minister must consult the band before entering into an agreement or issuing a permit concerning that species in that reserve or those other lands.</p> <p>74. An agreement, permit, licence, order or other similar document authorizing a person or organization to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals that is entered into, issued or made by the competent minister under another Act of Parliament has the same effect as an agreement or permit under subsection 73(1).</p> <p>Environmental Assessment:</p> <p>79. (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 67(a) or (b) of the Canadian Environmental Assessment Act, 2012 in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.</p> <p>79 (2): The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.</p>	<p>The U.S. Fish and Wildlife Service (USFWS) is responsible for enforcing the Endangered Species Act and the Fish and Wildlife Coordination Act. If the proposed project crosses land that is designated as national wildlife refuge, the applicant must apply for a special use permit from the U.S. Fish and Wildlife Service. The USFWS requires right-of-way and special use permits for construction of transmission lines on National Wildlife Refuge System Lands unless that land is an Indian reservation, under the jurisdiction of the Bureau of Land Management, or refuge lands in Alaska which are governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).</p> <p>The Endangered Species Act (ESA):</p> <p>Section 9.2B: endangered species of fish or wildlife listed pursuant to section 4 of this Act remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.</p> <p>Section 10: The Secretary may permit, under such terms and conditions as he shall prescribe, regarding endangered species of fish or wildlife listed pursuant to section 4 of this ESA, remove and reduce to possession any such species from an area under Federal jurisdiction; damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.</p> <p>Migratory Bird Treaty Act:</p> <p>16 USC 704: the Secretary of the Interior is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.</p> <p>Fish and Wildlife Coordination Act:</p> <p>16 USC 662: Whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.</p> <p>Bald and Golden Eagle Protection Act:</p> <p>16 USC 668: No-one shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner any bald eagle commonly known as the American eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles without being permitted to do so.</p> <p>National Wildlife Refuge Systems Administration Act:</p> <p>16 668dd: the Secretary is authorized to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established</p>

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		Canada	United States
	RESPONSIBLE AUTHORITY	Department of Fisheries and Oceans	U.S. Fish and Wildlife Service
			as part of National Wildlife Refuge System. Part d: The Secretary is authorized, under such regulations as he may prescribe, to permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as power lines, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.
63	Application Procedure	<p>NEB is considered the Responsible Authority (RA) under the Canadian Environmental Assessment Act, 2012 Subsection 15(b) and the Fisheries Act grants the federal government the authority to make decisions regarding a proposed project that is considered to have an impact in and around marine and freshwater ecosystems in Canada. If the proposed project is considered to cause serious harm to fish then the project must be authorized by the Minister of Fisheries and Oceans Canada to proceed, under the Fisheries Act.</p> <p>If NEB determines that the Department of Fisheries and Oceans Ministerial power will be exercised, such as the issuance of a Subsection 35(2) of the Fisheries Act authorization or a request to provide for fish passage or sufficient flow, the four factors in Section 6 of the Fisheries Act must be considered by the Minister. These factors establish a clear structure for the regulatory review process. The four factors in Section 6 are:</p> <ul style="list-style-type: none"> the contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries; fisheries management objectives; whether there are measures and standards to avoid, mitigate or offset serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or that support such a fishery; and the public interest. <p>Species at Risk Act:</p> <ul style="list-style-type: none"> 73(3): The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that: (a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; (b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and (c) the activity will not jeopardize the survival or recovery of the species. 73 (10): The Minister may, after consultation with the Minister responsible for the Parks Canada Agency and the Minister of Fisheries and Oceans, make regulations respecting the entering into of agreements, the issuance of permits and the renewal, revocation, amendment and suspension of agreements and permits. 	<p>Applicants are required to file a National Wildlife Refuge System Commercial Activities Special Use application with the USFWS to authorize construction, operation and maintenance of an electric transmission line in national fish and wildlife refuges. Applicants are required to apply for incidental take permits under the Endangered Species Act to ensure that affects from proposed projects in areas designated critical habitat are minimized and mitigated. A habitat conservation plan is required with submission of an incidental take permit.</p> <p>The USFWS reviews the Presidential permit application and any right-of-way applications that fall within the Service's jurisdiction to ensure compliance with the Endangered Species Act, the National Wildlife Refuge Systems Administration Act (NWRSA), the Migratory Bird Treaty Act (MBTA), and the Bald and Golden Eagle Protection Act (BGEPA).</p> <p>The Endangered Species Act:</p> <p>Section 10.2A: No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a conservation plan that specifies the information required pursuant to the ESA Section 10 part 2A. Section 10.3: The application must contain a complete and detailed inventory of all pre-Act endangered species parts for which the applicant seeks exemption, documentation as the Secretary may require to prove that any endangered species part or product claimed by the applicant to be a pre-Act endangered species part is in fact such a part, and any additional information that the Secretary requires.</p> <p>Section 10.3d: The Secretary may grant exceptions under subsections (a)(1)(A) and (b) of this section only if he finds and publishes his finding in the Federal Register that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of this Act.</p> <p>Fish and Wildlife Coordination Act:</p> <p>16 USC 662: The reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects.</p> <p>National Wildlife Refuge Systems Administration Act:</p> <p>340 FW 3 Part 3.6: Contracts for services, such as a powerlines should be handled with rights-of-way permits and special use permits.</p> <p>50 CFR 29.21-1: Applications for all forms of rights-of-way on or over National Wildlife Refuge System lands shall be submitted following application procedures set out in CFR 29.21-2, which includes a detailed environmental analysis that includes sufficient data to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.</p> <p>16 668dd Part d2: The grantee must pay the Secretary, at the option of the Secretary, either in lump sum or annually in advance the fair market rental value (determined by the Secretary) of the right-of-way, easement, or reservation. The Secretary may waive such requirement for compensation if he finds such requirement impracticable or unnecessary.</p> <p>50 CFR 29.21-8: By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with 50 CFR 29.21-8 through 29.21-9 and the National Electric Safety Code.</p>
64	Public Notification	<p>The applicant must notify an inspector and provide corrective measures in a written report to the Minister and the minister shall publish any agreement in the manner they see fit.</p> <p>Species at Risk Act:</p> <p>73 (3.1): If an agreement is entered into or a permit is issued, the competent minister must include in the public registry an explanation of why it was entered into or issued, taking into account the matters referred to in paragraphs (3)(a), (b) and (c) of the Species at Risk Act.</p>	<p>The Endangered Species Act:</p> <p>Section 10.2C: The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this section. Information received by the Secretary as a part of any application shall be available to the public as a matter of public record at every stage of the proceeding.</p> <p>National Wildlife Refuge Systems Administration Act:</p> <p>50 CFR 29.21-9: The Regional Director shall give notice to Federal, State, and local government agencies, and the</p>

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		Canada	United States
RESPONSIBLE AUTHORITY		Department of Fisheries and Oceans	U.S. Fish and Wildlife Service
			public, and afford them the opportunity to comment on right-of-way applications under this section. A notice will be published in the <i>Federal Register</i> and a public hearing may be held where appropriate.
65	Public Involvement Requirements	Not applicable.	The Endangered Species Act: Section 10.2C: The Notice of application shall invite the submission from interested parties, within thirty days after the date of the notice, of written data, views, or arguments with respect to the application; except that such thirty-day period may be waived by the Secretary in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available to the applicant, but notice of any such waivers shall be published by the Secretary in the <i>Federal Register</i> within ten days following the issuance of the exemption or permit.
66	Additional Filing/Permitting Information	The Minister can request plans and specifications for projects that may result in <i>serious harm to fish</i> , and can make orders to modify, restrict or close these projects under Section 37 of the Fisheries Act.	National Wildlife Refuge Systems Administration Act: 340 FW 3 Part 3.14: The project leader is responsible for monitoring the construction and operation of the facility to ensure that the terms and conditions in the permit are being met and to protect the project and the public.
67	Timing (high-level)	The applicant shall serve a notice of the application and of the hearing on the Minister at least fifteen days before the day fixed for the hearing. Species at Risk Act: 8(3): If the Minister of the Environment delegates responsibility of a decision with an agreement, a copy of the agreement must be included in the public registry within 45 days after it is entered into, and a copy of every annual report must be included in the public registry within 45 days after it is received by the delegating minister.	The Endangered Species Act: The Secretary must publish a Notice of Application in the <i>Federal Register</i> which commences a 30 day public comment period. National Wildlife Refuge Systems Administration Act: 340 FW 3 Part 3.6: Permits may be granted for up to 50 years.
68	Lifetime for Permit or Authorization (if applicable)	Species at Risk Act: 73(6.1) The agreement or permit must set out the date of its expiry.	The Endangered Species Act: Section 10.8: Any person holding such a certificate may apply to the Secretary for one additional renewal of such certificate for a period not to exceed 5 years beginning on the date of such enactment.
69	Reporting Requirements	The Department will monitor and report on progress toward meeting the objective of this policy statement through its performance measurement strategy and related reporting initiatives, as appropriate.	National Wildlife Refuge Systems Administration Act: 1668dd Part 3b: the Secretary shall require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use, except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself.
		Canada	United States
RESPONSIBLE AUTHORITY		No Equivalent Agency	U.S. Army Corps of Engineers (USACE) Regulatory Program ¹
69A	Applicable If		A proposed transmission line project and its ancillary features results in the temporary or permanent discharge of dredged or fill material into U.S. waters, including wetlands or requires work or structures in, over, or under navigable waters of the U.S. or affects the course, location, or condition of those waters.
70	Statute or Regulation		Section 404 of the Clean Water Act of 1972 33 USC 1342. CWA1972 Section 10 of the Rivers and Harbors Act of 1899. RHA1899 Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972. MRPSA1972 33 CFR Parts 320-332 U.S. Army Corps of Engineers Regulatory Program Regulations. 33CFR320
71	Regulated Activity		Discharges of dredged or fill material into U.S. waters, including wetlands, or actions that include the construction of structures in, over, or under navigable waters of the U.S. that may affect the course, location, or condition of those waters.
72	Application Procedure		The USACE Regulatory Program is divided into 38 districts, 8 divisions, and one HQ office. All permit decisions are made by the districts. A project proponent should contact the appropriate district(s) early in the planning process to discuss Regulatory requirements and ways to expedite the permit application review process. A proposed project may be reviewed under several different processes. Projects that are minimally individually and cumulatively impacting may qualify for an abbreviated review under the General Permit process.

¹ USACE permits addressed in this table are most relevant to electric transmission lines; however, other permits may be necessary depending on the nature of the project, including but not limited to permits under 10 USC 2688-2669 and 40 SC 961.

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		Canada	United States
RESPONSIBLE AUTHORITY		No Equivalent Agency	U.S. Army Corps of Engineers (USACE) Regulatory Program ¹
			<p>Other projects that are still minor in nature but do not qualify for a general permit, may be authorized by a Letter of Permission (usually Section 10 activities only) which is an abbreviated type of standard permit.</p> <p>Projects that qualify for neither of these require review under the Standard Individual Permit process which is a much more comprehensive review and includes a public notice, public interest review, alternatives analysis under Section 404(b)(1) Guidelines, if applicable, and NEPA compliance.</p> <p>Project proponents should apply for both the Presidential permit and any required USACE authorizations at the same time if possible so each agency's reviews can occur concurrently instead of sequentially.</p> <p>When the applicant applies for a standard permit, the applicant must complete the standard application form ENG Form 4345, OMB Approval No. OMB 49-R0420 or the District's Joint Permit Application, if applicable, that includes a complete description of the project proposal (drawing, sketches, and plans for public notice), the location, purpose and need, scheduling, contact information of property owners, structures needed, and a list of authorizations required by other federal, interstate, state, and local agencies.</p> <p>Upon receipt of an application the district engineer assigns the application an identification number and review the application for completeness. The district engineer generally requests any additional information to complete an application within 15 days of submission. If the application is complete, the district engineer issues a public notice of the proposed project and considers all comments received from the public notice. If the district engineer determines, based on comments received, that he must have the views of the applicant on a particular issue to make a public interest determination, the applicant will be given the opportunity to furnish his views on such issue to the district engineer and contact any project proposal dissenters. The district engineer will evaluate the application to determine the requirements of an environmental assessment or environmental impact statement, pursuant to NEPA, and a public hearing, pursuant to 33 CFR part 327. The district engineer prepares a statement of findings or, where an EIS has been prepared, a record of decision, on all permit decisions. In accordance with the authorities specified in 33 CFR 325.8, the district engineer will take final action. Note that if the Presidential Permit requires an EIS, the Corps will generally be a cooperating agency and work with DOE so the agency can adopt that EIS to the extent possible.</p>
73	Public Notification		<p>For projects that require an individual permit, a public notice must be published notifying the public of a proposed project and must include all of the information pursuant to 33 CFR 325.3. Public notices will be distributed for posting in post offices or other appropriate public places in the vicinity of the site of the proposed work and will be sent to the applicant, to appropriate city and county officials, to adjoining property owners, to appropriate state agencies, to appropriate Indian Tribes or tribal representatives, to concerned Federal agencies, to local, regional and national shipping and other concerned business and conservation organizations, to appropriate River Basin Commissions, to appropriate state and area-wide clearing houses as prescribed by OMB Circular A-95, to local news media and to any other interested party.</p> <p>A copy of the public notice will also be sent to parties who have specifically requested them, to the U.S. Senators and Representatives for the area where the work is to be performed, the field representative of the Secretary of the Interior, the Regional Director of the Fish and Wildlife Service, the Regional Director of the National Park Service, the Regional Administrator of the Environmental Protection Agency (EPA), the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), the head of the state agency responsible for fish and wildlife resources, the State Historic Preservation Officer, and the District Commander, U.S. Coast Guard.</p>
74	Public Involvement Requirements		<p>After the public notice is published, there is a public comment period and the district engineer considers all public comments before proceeding with review of the application. The public comment period is generally no more than 30 but no less than 15 days. The comment period may be extended as the district determines appropriate.</p> <p>The comment period may be extended as the district determines appropriate.</p>
75	Additional Filing/Permitting Information		Not applicable.
76	Timing (high-level)		<p>Section 106 documentation, Section 7 documentation.</p> <p>USACE performance metrics are to verify general permits within 60 days and to render individual permit decisions within 120 days. Timelines can be affected by the complexity of the action, the time it takes the applicant to provide required information, and the time it takes for other agencies to complete reviews necessary for the USACE to complete its review such as Section 106 of the National Historic Preservation Act consultation, Section 7 of the Endangered Species Act consultation, compliance with Tribal Trust responsibilities, receipt of Section 401 of the Clean Water Act's Water Quality Certification, Coastal Zone Management Act consistency determination, Section 14 of the Rivers and Harbors Act permission (33 U.S.C. 408 commonly referred to as Section 408), and Presidential</p>

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		Canada	United States
RESPONSIBLE AUTHORITY		No Equivalent Agency	U.S. Army Corps of Engineers (USACE) Regulatory Program ¹
			Permits.
77	Lifetime for Permit or Authorization (if applicable)		See 33 CFR 325.6 for Individual Permits. Although no individual permit expiration dates are specified, they are generally valid for 3-5 years, as the district determines appropriate. Permits can be modified, suspended, or revoked if warranted. See 33 CFR 330.6(a) for Nationwide Permits and 33 CFR 325.2(e)(2) for Regional Permits which are both types General Permit. General Permit verifications are valid until the expiration date of these permits (not to exceed five years) unless otherwise modified, suspended, or revoked.
78	Reporting Requirements		The district engineer will publish a monthly list of standard individual permits issued or denied during the previous month. The list will identify each action by public notice number, name of applicant, and brief description of activity involved.
		Canada	United States
RESPONSIBLE AUTHORITY		No Equivalent Agency	Bureau of Land Management (BLM)
78A	Applicable If		A transmission line project crosses federal lands managed by the Bureau of Land Management and a request for a Right-of-Way grant is submitted (Form SF299).
79	Statute or Regulation		Federal Land Policy and Management Act of 1976, as Amended. FLP1976 43 CFR 2920 Land Resource Management. 43CFR2920 The National Environmental Policy Act of 1969.
80	Regulated Activity		The Bureau of Land Management (BLM) can issue right-of-way grants and temporary use permits for all affected federal lands and non-federal lands and lands not under the jurisdiction of the National Parks Service). Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) provides the BLM's authority to issue leases and permits for the use, occupancy, and development of the public lands.
81	Application Procedure		A notice of reality must be published before the application can be filed with the Bureau, as specified by 43 CFR 2920. Application must include details of the proposed activities; description of all facilities for which a authorization is sought, access needs and special types of easements that may be needed; a map of sufficient scale to allow all of the required information to be legible and a legal description of primary and alternative project locations; and a schedule for construction of any facilities. After review of applications filed, the authorized officer selects one application for further processing in accordance with the notice of reality action. The authorized officer shall provide public notice of the selection of an applicant and notify the selected applicant, in writing, of the selection.
82	Public Notification		A notice of reality action indicating the availability of public lands for non-Federal uses through lease, permit or easement shall be issued published and sent to parties of interest by the authorized officer, including, but not limited to, adjoining land owners and current or past land users. The notice must include the proposed use, specify the form of negotiation. A notice of reality action is not a specific action implementing a resource management plan or amendment and is published in the Federal Register and weekly for 3 weeks in a local newspaper for general circulation.
83	Public Involvement Requirements		Not applicable. Refer to NEPA guidelines and public involvement requirements under that Act which would apply to right-of-way applications on BLM lands (refer to DOE and EPA regulations).
84	Additional Filing/Permitting Information		The authorized officer may require the applicant(s) to fund or to perform additional studies or submit additional environmental data, or both, so as to enable the Bureau of Land Management to prepare an environmental analysis in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470); The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.); Executive Order 11593, "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921); "Procedures for the Protection of Historic and Cultural Properties" (36 CFR part 300); and other laws and regulations as applicable.
85	Timing (high-level)		Right-of-Way application timelines vary, taking anywhere from six to twelve months, not including the required NEPA review.
86	Lifetime for Permit or Authorization (if applicable)		Permits shall be used to authorize uses of public lands for not to exceed 3 years that involve either little or no land improvement, construction, or investment, or investment which can be amortized within the term of the permit.

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		Canada	United States
	RESPONSIBLE AUTHORITY	No Equivalent Agency	Bureau of Land Management (BLM)
87	Reporting Requirements		Not applicable to Right-of-Way realty applications.
		Canada	United States
	RESPONSIBLE AUTHORITY	No Equivalent Agency	Advisory Council on Historic Preservation (ACHP)
87A	Applicable If		A proposed transmission line project impacts the preservation, enhancement, and productive use of the nation's historic resources. This agency administers the Section 106 review process and works with federal agencies to help improve how they address historic preservation values in their programs, projects, and developments.
88	Statute or Regulation		National Historic Preservation Act of 1966 Section 106, as amended (16 U.S.C. Section 470f). NHPA106
89	Regulated Activity		The DOE must provide the Advisory Council on Historic Preservation adequate time to comment on proposed projects affecting land that falls under their jurisdiction (i.e. land considered eligible to be included in the National Register) as required by the NHPA Section 106 before issuing any permit or license.
90	Application Procedure		The Advisory Council on Historic Preservation has jurisdiction over historic properties, lands, and resources. DOE must provide ACHP opportunities for public comment prior on actions that would impact land under ACHP's jurisdiction. The DOE provides multiple opportunities for public comment. DOE publishes a notice of application in the Federal Register usually within 2 weeks of receiving the application that begins a 30-day public comment period. Upon completion of an Environmental Impact Statement, the DOE holds a public comment period for scoping the EIS, releases a draft EIS based on those comments, and sets a public hearing and comment period for the draft EIS, as required by 10 CFR 205.173. Upon completion of the public comment period a final EIS is issued.
91	Public Notification		Not applicable.
92	Public Involvement Requirements		Not applicable.
93	Additional Filing/Permitting Information		Not applicable.
94	Timing (high-level)		Please see DOE procedures for public notification and DOE timing for length of application and environmental assessment or environmental impact statement comment periods.
95	Life time for Permit or Authorization (if applicable)		Not applicable.
96	Reporting Requirements		Comments to the DOE may be submitted through Regulations.gov, email, postal mail, or by hand delivery/courier.

Table 5. Regulations – Alaska, British Columbia, Yukon

		Alaska	British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Regulatory Commission of Alaska</i>	<i>British Columbia Utilities Commission</i>	<i>Yukon Utilities Board</i>
0A	Applicable If	A public utility is engaged or proposing to engage in a utility business in the State of Alaska, except if exempted by AS 42.05.711.	A public utility is engaging in business in the province of British Columbia.	If a public utility enters into contract with the Government of Yukon or applies to construct a utility project within the Yukon.
1	Statute or Regulation	Alaska Public Utilities Regulatory Act Title 42. Chapter 42.04 Regulatory Commission of Alaska. Public Utilities and Carriers and Energy programs. Chapter 42.06 Pipeline Act.	British Columbia Utilities Commission Act. British Columbia’s Clean Energy Act. British Columbia Environmental Assessment Office Memorandum of Understanding. Environmental Assessment Act.	Yukon Public Utilities Act. Economic Development Act. Yukon Development Corporation Act. Yukon Utilities Board Order. Environmental Act. Section 84 Yukon Environmental and Socio-economic Assessment Act.
2	Regulated Activity	The Regulatory Commission of Alaska regulates every public utility engaged or proposing to engage in a utility business inside the state, except if exempted by AS 42.05.711. The Commission investigates rates, classifications, rules, regulations, practices, services, and facilities of a public to ensure fair and reasonable rates, and safe utility services of public utilities.	The British Columbia Utilities Commission regulates energy utilities to ensure that energy rates are fair and reasonable, and that utility services meet consumer needs in a safe manner under the Utilities Commission Act.	The Yukon Utilities Board (YUB) regulates public utilities in Yukon and makes rules under the Public Utilities Act, Board records, application and representation procedures required by the Board, Board hearings, and filing and investigation of complaints. The Yukon Utilities Board may enter into contracts with the Government of the Yukon if deemed necessary.
3	Application Procedure/Process	Utilities must submit a Certificate of Public Convenience and Necessity (CPCN) application to operate or provide a commodity or service. Each utility service that a utility provides requires a separate CPCN application. CPCN applications must: describe the nature and extent of the authority granted in it, be electronically filed in the Commission’s system and service in all docket proceedings with an opportunity for waiver. When deemed appropriate, the Commission conducts investigations, pre-hearing conferences, hearings, and proceedings, and the handling of procedural motions by a single commissioner. The Commission Chair appoints a hearing panel, unless a public hearing is not required. A Motion for Extension of Time applications include: the Motion, the Memo in Support of Extension of Time, the Affidavit, and the Proposed Order for Extension of Time. Applications for Certificate of Public Convenience and Necessity include the Application, Contract, List of Officers, Corporate Documents, Tariff Sheets, and Service Area Map.	The commission reviews applications for revenue requirements, rate design, and major energy projects. Utilities that desire construction of new or additional facilities must submit Certificates of Public Convenience and Necessity (CPCN) applications to the Secretary of the Commission under Sections 45 and 46 of the Utilities Commission Act, before building or operating a public utility. For additional information, reference the BCUC 2010 Certificates of Public Convenience and Necessity Application Guidelines. The CPCN application must include: General information about the applicant and the project <ul style="list-style-type: none"> • First Nations and Public Consultations (including a list of the First Nations Information Filing Guidelines) • Project Description • Project Cost Estimate • Provincial Government Energy Objective and Policy Considerations • New Service Areas • List of required permits, licenses and authorizations • The Commission conducts an initial review of the CPCN application and issues an order stating the Commission’s decision to grant, deny or hold a public hearing. If a public hearing is held, the Commission will issue a final order containing their decision. • The CPCN also requires an overview of community, social and environmental impacts, resources required, risk analysis and the estimated cost to mitigate risk, and preliminary assessment of potential physical, biological and social environments effects and proposals with costs to reduce those effects. The British Columbia Environmental assessment Office is responsible for carrying out environmental assessments under the Canadian Environmental Assessment Act, S.B.C. 2002, c.43. In addition, utilities are often required to submit applications for an Environmental Assessment Certificate (EAC) to the Environmental Assessment Office in tandem with the CPCN. The Environmental Assessment Office reviews the application and determines the applications requirements based on the specific case.	Utilities must submit an Energy Project Certificate application to the Minister to construct a regulated project. The Minister will review the application and refer it to the YUB for review under <i>R.S., c.143, s.40</i> . The Board reviews the application and can choose to approve, reject, or hold a public hearing. The Board will issue a final order containing their decision once the review process is complete. The Board is required to include all final orders in their annual report. Once the Energy Project Certificate is approved, the utility must apply for an Energy Operation Certificate, which has the same approval process as the Energy Project Certificate. The Energy Project Certificate must include the following information as outlined by <i>R.S., c.143, s.39</i> : <ul style="list-style-type: none"> • A project description (project summary description, anticipated timeline, new or expanded public works descriptions, and summary of environmental and socio-economic impacts) • Project Justification (need for the project, risks, effect on ratepayers) • Consultation • Other Applications and approvals (list of approvals, permits and licenses and conditions affecting approvals) Environmental impact includes land, water and air environments and associated terrestrial and aquatic life. Planned mitigation includes an Environmental Protection Plan that is screened by the Yukon Environmental and Socio-economic Assessment Board (YESAB) under the Yukon Environmental Act <i>Section 84</i> and the Yukon Environmental and Socio-economic Assessment Act. Before the permit can be issued. Permit applications must include: <ul style="list-style-type: none"> • proposed location, size, nature, and use of the development or activity • Description of environmental effect including surface disturbance • Mitigation methods • Proposed waste reduction methods • Justification and amount of release of contaminants and pesticides • Contingency plans for pollution response • Plan for decommissioning • Any other information the Minister may require
4	Public Notification	The CPCN application needs to include a proposed public notice and a purchase order that proves the proposed public notice is published in a newspaper. The Commission chair shall appoint a hearing panel composed of three or more members to hear, or if a hearing is not required, to otherwise consider, and decide the case. The Commission will review the	All Certificates of Public Convenience and Necessity applications are public unless otherwise noted. Orders and notices of public hearings are published in the local newspaper and all hearings are open to the public. The order for a public hearing provides where to find the application in question.	All applications, hearing, Board orders, and Board reports are public documents.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Alaska	British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Regulatory Commission of Alaska</i>	<i>British Columbia Utilities Commission</i>	<i>Yukon Utilities Board</i>
		proposed notice and issue the final public notice using the purchase order. The Alaska Public Utilities Regulatory Act requires that all Commission reports, orders, decisions, and regulations be published and accessible to the public.		
5	Public Involvement Requirements	There is a required public comment period for CPCN applications. All public comments are to be submitted to the Commission through the Commission's website or on paper.	The CPCN application requires a description of public groups consulted, the information provided by those groups, and the concerns raised by those groups. Members of the public can file information requests to the Commission for additional information not provided in the application and file interventions to participate in a public hearing.	Anyone can file a complaint to the Board if the complaint falls under the Boards jurisdiction. The Board then decides whether to act on the complaint or not.
6	Additional Filing/Permitting Information	A final order of the commission compelling affirmative action, denying a right or privilege, or granting a right or privilege over protest of the public utility or any party of record may not be entered without giving the interested party reasonable notice and an opportunity to be heard.	Utilities must provide a list of all the required permits, licenses and authorizations needed in their CPCN application.	Not applicable.
7	Timing (high-level)	The Commission shall issue a final order not later than 180 days after a complete application is filed.	Utilities must file plans for significant facility extensions once a year to the Commission. CPCN applications must be filed at least 30 days prior to desired effective date. Filing and hearing times will be established by the Commission.	The board is required to submit a report to the Minister not later than June 30 in each year on the activities and affairs of the board during the year ending on March 31 of that year.
8	Lifetime for Permit or Authorization (if applicable)	A final order is valid until a complaint or motion by the utility is filed to the Commission and the final order is modified, suspended, or revoked by the Commission.	The Commission determines the length of the proposal at the end of the public hearing and reserves the right to order an extension or null the decision.	The Board determines the length of the Energy Project Certificate and Energy Operation Certificate in their final order.
8A	Reporting Requirements		The commission must make a report to the Lieutenant Governor in Council every year for the preceding fiscal year. The report must include summaries of all applications and complaints and other matters and information considered public interest or pertinent to the Lieutenant Governor in Council.	The board is required to submit a report to the Minister not later than June 30 in each year on the activities and affairs of the board during the year ending on March 31 of that year.
		Alaska	British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>British Columbia Environmental Assessment Office</i>	<i>Yukon Environmental and Socio-economic Assessment Board</i>
8B	Applicable If		A reviewable project would have a significant adverse environmental, economic, social, heritage, or health effect requiring an environmental assessment.	A project would have environmental or socio-economic effects requiring a neutral, comprehensive assessment.
9	Statute or Regulation		British Columbia Environmental Assessment Act [SBC 2002] Chapter 43. Reviewable Projects Regulation. EAA2002 EAARPR2004	Yukon Environmental and Socio-economic Assessment Act. (S.C. 2003, c. 7) YESAB2003
10	Regulated Activity		Section 10. Determining the need for assessment, subsection (1) The executive director by order: (a) may refer a reviewable project to the minister for a determination under section 14, (b) if the executive director considers that a reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that: (i) an environmental assessment certificate is not required for the project, and (ii) the proponent may proceed with the project without an assessment, or (c) if the executive director considers that a reviewable project may have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that (i) an environmental assessment certificate is required for the project, and (ii) the proponent may not proceed with the project without an assessment. Subsection (2): The executive director may attach conditions he or she considers	An assessment under Yukon Environmental and Socio-economic Assessment Act (YESAA) is required when a project activity is listed in the regulations and requires a permit or authorization, a transfer of land, or utilizes federal funding. The assessment process is initiated when an individual or organization submits a project proposal to Yukon Environmental and Socio-economic Assessment Board (YESAB). Once the proposal is received, YESAB ensures that the proposal contains the information necessary to commence an assessment. Requirements for Permit: 1) The project will be located in Yukon. 2) The YESAA regulations list the project activity as subject to assessment and do not exempt the activity, or a declaration that the activity is subject to assessment is made under Section 48 of the Act. 3) One or more of the following circumstances are present: • The proponent has applied for financial assistance for the project to a federal agency or federal independent regulatory agency; • The proponent requires an authorization or grant of interest in land from a government agency, an independent regulatory agency, a municipal government, a First Nation or the Governor-in-Council (effectively the federal Cabinet);

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		Alaska	British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>British Columbia Environmental Assessment Office</i>	<i>Yukon Environmental and Socio-economic Assessment Board</i>
			necessary to an order under subsection (1) (b). Subsection (3): A determination under subsection (1) (b) does not relieve the proponent from compliance with the applicable requirements pertaining to the reviewable project under other enactments. Table 7 Electricity Projects	<ul style="list-style-type: none"> The proponent is a federal agency or federal independent regulatory agency; and The proponent is a First Nation, territorial agency, territorial independent agency or municipal government, and an authorization or grant of interest in land would be required for the project to be undertaken by a private individual.
11	Application Procedure/Process		The Environmental Assessment Process explains the environmental assessment process, types of projects, the process of a review, application requirements, how the application will be reviewed, the public comment processes, and the Minister's decision. EAP1, EAP2 is a timeline of the Environmental Assessment Process. Environmental Assessment Office User Guide Applying for environmental assessment certificate Section 16 (1) The proponent of a reviewable project for which an environmental assessment certificate is required under section 10 (1) (c) may apply for an environmental assessment certificate by applying in writing to the executive director and paying the prescribed fee, if any, in the prescribed manner. (2) An application for an environmental assessment certificate must contain the information that the executive director requires.	Depending on the type of project, YESAB has created a series of forms and guides to assist in the development of project proposals. Proponents must use one of the following forms: <ol style="list-style-type: none"> Project Proposal Form 1: General Project Proposal Form: Land Dispositions Project Proposal Form: Forestry Guide to Project Proposal Submission
12	Public Notification		Part 25 (1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.	To ensure that the assessment process is transparent, assessment information submitted will be posted to the YESAB Online Registry (YOR). Follow-up correspondence by the assessor, proponent, or other participants will be posted to the YOR. The YOR allows easy access to all assessment related documents and all correspondence during an assessment.
13	Public Involvement Requirements		First Public Comment Period: Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. Advertisements in local newspapers, radio announcements, posting information on our web site and the most recent method, having the information available in an RSS news feed. A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.	Required to meet with any affected First Nation to discuss proposed project. Track assessment via Yukon Online Registry (YOR) and respond to information requests in a timely manner.
14	Additional Filing/Permitting Information		Refer to Part 4 — Special Provisions for Environmental Assessment Process of the Environmental Assessment Act for additional filing and application information.	Filing Requirements for Project Proposals Submitted to a Designated Office Filing Requirements for Project Proposals Submitted to the Executive Committee for Screening Agent Consent Form Stages of a Designated Office Evaluation Adequacy Stage YESAB conducts information and location review Additional details may be required to ensure an adequate project proposal Evaluation Stage Scope of project prepared Notification list created <ul style="list-style-type: none"> Project proposal open for public comment (Seeking Views and Information Period) Recommendation Stage Evaluation report written Recommendation prepared and sent to Decision Body(s)

		Alaska		British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>		<i>British Columbia Environmental Assessment Office</i>	<i>Yukon Environmental and Socio-economic Assessment Board</i>
15	Timing (high-level)			<p>Part 4, section 24, subsection (1): The following assessment steps must be completed within the prescribed time limits:</p> <p>(a) the evaluation of, and decision on accepting, an application for review under section 16;</p> <p>(b) the review of an application under section 16;</p> <p>(c) the making of a decision under section 17 on an application;</p> <p>(d) a decision on an application for concurrent review under section 23 of one or more applications for approvals under other enactments.</p> <p>Subsection (2): The executive director may suspend the time limit prescribed for subsection (1) (b) if the executive director requires the proponent to provide additional information to complete the review under section 16, or if the review is delayed at the request of the proponent or because of action taken or not taken by the proponent.</p> <p>Subsection (3): At any time after the executive director or the minister has determined under section 11 or 14 the information required for an application, the executive director or the minister may suspend or terminate an assessment under this Act if, after being requested to provide information in an application or at any other time in the assessment, the proponent does not provide the information within the prescribed period.</p> <p>Subsection (4): The minister or the executive director may extend by order, with or without conditions, the time limit for doing anything under this Act, and may order an extension even if the time limit has expired.</p>	<p>Section 41: The designated offices, the executive committee and panels of the Board shall conduct assessments of projects, existing projects and plans in a timely and expeditious manner.</p> <p>Decision Body Time Periods and Consultation Regulations.</p> <p>The time required for a project proposal to be reviewed and assessed is dependent on the level of detail provided by proponents. The average Designated Office evaluation takes 42 days, once the Designated Office has deemed the proposal adequate</p> <p>Decision Bodies have 30 days to issue a Decision Document once a recommendation by YESAB is sent. An additional 7 days is given for projects located within the traditional territories of First Nations without Final Agreements.</p>
17	Reporting Requirements			<p>Project information Centre</p> <p>Section 25(1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.</p> <p>(2) The executive director may determine</p> <p>(a) which records relating to assessments conducted under this Act are to be available to the public through the project information centre, and</p> <p>(b) in which form or format the records are to be made available.</p>	<p>Upon completion of the assessment YESAB issues an evaluation or screening report and a recommendation, which is sent to federal, territorial or First Nation governments who act as Decision Bodies. A copy is also loaded to the YESAB Online Registry.</p>
		Alaska		British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>British Columbia Ministry of Environment</i>	<i>Environment Yukon</i>
17A	Applicable If	A transmission line project would cause discharges into bodies of water. This agency also regulates water quality and development on wetlands.	A transmission line project would have an impact on fish, wildlife, and or special status species.	A transmission line project is developed on wetlands or if the development would impact fish, wildlife, and or special status species.	
18	Statute or Regulation	<p>Section 401 of the Clean Water Act (CWA) and Alaska Water Quality Standards (WQS, 18 Alaska Administrative Code (AAC) 70)</p> <p>WQS</p>	<p>Alaska Standard (AS) 16. 20 Article 3 Endangered Species (Link1)</p> <p>Sec. 16.20.195. Permit for taking endangered species. (Link2) Link1</p> <p>AS 16. 20 Article 05. Fish and Game Critical Habitat Areas Link2</p> <p>Sec. 16.20.520. Multiple land use 16.20.520</p> <p>AS 44.62 Administrative Procedure Act AS44.62</p> <p>5 AAC 95.400 Fish and Game Habitat -430, 700-770, 900-990 (Link3) Link3</p>	<p>Fish Protection Act – Section 12 Riparian Areas Regulation (RAR) and 2006 Amendment FPA1997</p> <p>Wildlife Act [Revised Statutes of British Columbia (RSBC) 1996] Chapter 488 RAR2004</p> <p>FPA2006</p> <p>WA1996</p>	<p>Refer to Yukon Environmental and Socio-economic Assessment Act, under Environmental Assessment Agencies for protection of natural resources in Yukon.</p>

		Alaska		British Columbia	Yukon
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>British Columbia Ministry of Environment</i>	<i>Environment Yukon</i>
19	Regulated Activity	<p>Section 401 of the Clean Water Act provides states with the legal authority to review an application or project that requires a federal license or permit (in this case a 404 permit) that might result in a discharge into a water of the U.S.</p> <p>The USACE issues three types of permits under Section 404: individual permits, nationwide permits, and regional general permits. See the USACE link below for a detailed description of each of these types of permits.</p> <p>Comparison of State and Federally Approved Water Quality Standards.</p>	<p>Sec. 16.20.195. A species or subspecies of fish or wildlife listed as endangered under AS 16.20.198 (b) may not be harvested, captured, or propagated except under the terms of a special permit issued by the commissioner of fish and game for scientific or educational purposes, or for propagation in captivity for the purpose of preservation.</p> <p>Sec. 16.20.520. Before the use, lease, or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under AS 16.20.500 - 16.20.690, the person or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail.</p> <p>AS 16. 20 Article 05. Fish and Game Critical Habitat Areas</p> <p>Authorization for land and water use activities in a Special Area (Refuge, Sanctuary, or Critical Habitat Area) is required in the form of a Special Area Permit. Each Special Area has certain allowable uses defined in statute and regulations. A Special Area Permit is required before any action is taken to:</p> <ul style="list-style-type: none"> • construct or place structures, • develop natural resources, • explore energy opportunities, <p>use off-road wheeled or tracked vehicles.</p>	<p>This agency regulates development on wetlands and developments that may impact fish, wildlife, and or special status species.</p> <p>Riparian Areas Regulation:</p> <p>The purposes of this regulation is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.</p> <p>Wildlife Act</p> <p>Section 19, subsection (1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person:</p> <p>(a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or</p> <p>(b) to omit to do anything that the person is required to do by this Act or the regulations, subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.</p>	
20	Application Procedure/Process	<p>The applicant must apply for and obtain a Certificate of Reasonable Assurance from the Alaska Department of Environmental Conservation (ADEC) to conduct a regulated activity that the discharge will comply with the CWA, the Alaska Water Quality Standards (WQS, 18 AAC 70), and other applicable State laws. Handbook on 401 Water Quality Certifications.</p>	<p>Sec. 16.20.195: Permit for taking endangered species</p> <p>Special Area Permit Application</p> <p>Sec. 16.20.530. Submission of plans and specifications</p> <p>Subsection (a): When a board determines that the following information is required, it shall instruct the commissioner, in the letter of acknowledgment required under AS 16.20.520 to require the person or governmental agency to submit: (1) full plans for the anticipated use; (2) full plans and specifications of proposed construction work; (3) complete plans and specifications for the proper protection of fish and game; and (4) the approximate date when the construction or work is to</p>	<p>If the Riparian Areas Regulation applies to your development, you need to have your property assessed by a Qualified Environmental Professional. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) on your property, which represents the development setback to prevent degradation of fish habitat. Additional measures to maintain riparian fish habitat, such as sediment and erosion control, may be included in the assessment. SPEA vegetation must be left in, or allowed to return to, a natural, undisturbed state. Formal trails and landscaping may be restricted in SPEAS if they have the potential to damage vegetation and/or interfere with the ability of the riparian area to provide fish habitat.</p> <p>RAR Assessment Report Information</p> <p>RAR Methodology RAR Information</p> <p>Form 1: RAR Assessment Report Form</p> <p>Form 2: Information about Additional Qualified Professionals</p> <p>Form 3: Detailed RAR Assessment Form</p> <p>Form 4: Simple RAR Assessment Form</p> <p>Form 5: Description of Photos</p> <p>RAR Assessment Methods</p>	<p>RAR1</p> <p>RAR2</p> <p>RAR3</p> <p>RAR4</p> <p>RAR5</p> <p>RAR6</p> <p>RAR7</p> <p>RARAM</p>

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		Alaska		British Columbia	Yukon
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>British Columbia Ministry of Environment</i>	<i>Environment Yukon</i>
			<p>commence.</p> <p>Subsection (b): The board shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced.</p> <p>The Commissioner shall approve the proposed construction, work, or use in writing unless the commissioner finds the plans and specifications insufficient for the proper protection of fish and game. Upon a finding that the plans and specifications are insufficient for the proper protection of fish and game, the commissioner shall notify the person or governmental agency that submitted the plans and specifications of that finding by first class mail.</p>	<p>Wildlife Act:</p> <p>The Permit Regulation is the main legal tool that people can use to exercise special privileges under the Wildlife Act. Under the new Permit Regulation, two basic types of permits may be granted. You can obtain permits that authorize you to conduct specific activities, or that exempt you from having to comply with certain regulations. To apply for a permit, pick up an application from your nearest regional Fish and Wildlife manager, or Government Agent or the Front Counter BC. If your application for a permit is denied, you will be advised in writing of the reasons for the denial and of any appeal rights you may have.</p>	
21	Public Notification	By agreement between the Corps and ADEC, the "Public Notice of Application for Permit" public noticed by the Corps for an individual permit serves as the ADEC application for a Certificate of Reasonable Assurance.	If the Department choses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing pursuant to AS 44.62.	If the Department choses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing" comes from the Administrative Procedure Act which is the general requirements for reviewing applications and making rulings.	
22	Public Involvement Requirements	ADEC reviews the project as described in the Corps project public notice; coordinates with other state and federal agencies and local governments; reviews any public comments; and either approves, approves with conditions, waives, or denies the project based on compliance with the Clean Water Act, state water quality standards, and other applicable state laws.	<p>Special Area permit:</p> <p>Any person may file an accusation and a statement of issues with the Department which initiates a hearing to determine whether a right, authority, license, or privilege should be revoked, suspended, limited, or conditioned. The accusation must be verified and contains the required information pursuant to AS 44.62.360.</p>	<p>Riparian Areas Regulation: The development of a recovery plan or water management plan must include a process for public participation.</p> <p>Not applicable for Wildlife Act or Fish Protection Act.</p>	
23	Additional Filing/Permitting Information	Permits issued under a state-run section 404 program are state permits issued under state law. For this reason, the provisions of other federal laws that apply to federal permits such as National Environmental Policy Act (NEPA), do not apply. State of Alaska's Effort to Become the Primary Agency for Section 404 Permits.	Not applicable.	<p>Riparian Areas Regulation (RAR):</p> <p>Section 4, subsection (2): A local government may allow development to proceed if:</p> <p>(a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that:</p> <p>(i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or</p> <p>(ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, and</p> <p>(b) the local government is notified by the ministry that Fisheries and Oceans Canada and</p>	

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		Alaska		British Columbia	Yukon
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>British Columbia Ministry of Environment</i>	<i>Environment Yukon</i>
				<p>the ministry have been:</p> <p>(i) notified of the development proposal, and</p> <p>(ii) provided with a copy of an assessment report prepared by a qualified environmental professional that:</p> <p>(A) certifies that he or she is qualified to carry out the assessment,</p> <p>(B) certifies that the assessment methods have been followed, and</p> <p>(C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the development on the natural features, functions and conditions that support fish life processes in the riparian assessment area.</p> <p>Section 4, subsection (3): A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.</p> <p>Wildlife Act:</p> <p>Section 19 Permits, subsection (2): The form and conditions of the permit may be specified by the director.</p> <p>Subsection (3): If a regional manager issues a permit respecting the use of firearms, the regional manager may exempt a person from the requirements of section 9 of the Firearm Act and may specify the conveyance or type of conveyance for which the permit is limited.</p> <p>Subsection (4): The regional manager or the person authorized by the regional manager may amend the conditions of a permit as determined by him or her and issued under this section, but the amendment is not effective until the permittee has notice of it.</p>	
24	Timing (high-level)	<p>ADEC Review of 404 permits: The U.S. Army Corp of Engineers (USACE) issuing the permit may set the certification response time limit to any "reasonable period of time (which shall not exceed one year)." If the certifying agency does not respond within the time limit, §401 certification is waived, as specified under The Clean Water Act. The Corp typically provides a response period of 60-90 days but this varies by Corp district.</p> <p>Certificate of Reasonable Assurance: The State has 60 days to notify to determine if the certificate of reasonable assurance is no longer applicable due to changes in the proposal and to notify the applicant and the USACE of this change. CWA Section 401.</p>	<p>The person or governmental agency may, within 90 days of receiving the Special Area permit notice, initiate a hearing under AS 44.62.370.</p> <p>The agency shall deliver or mail a notice of hearing to all parties at least 10 days before the hearing. The respondent may request a hearing by filing a notice of defense pursuant to AS 44.62.390 within 15 days after the accusation is served on the respondent and that failure to do so constitutes a waiver of the right to a hearing.</p> <p>The complete record of the proceedings shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.</p> <p>The notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered.</p>	Not applicable.	
25	Lifetime for Permit or Authorization (if applicable)	CWA Section 404 Nationwide General Permits are certified as a category every five years at reissuance. If categorical certification is denied for any Nationwide permit, each individual project wishing to be authorized under the Nationwide permit	The commissioner may issue a permit for a fixed term not to exceed two years.	Wildlife Act: part 1, Section 59, subsection 7: Most permits apply for limited periods of time--usually not more than 5 years.	

		Alaska		British Columbia	Yukon
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>British Columbia Ministry of Environment</i>	<i>Environment Yukon</i>
		would require 401 certification. CWA Section 401.			
26	Reporting Requirements	Not applicable.	Mitigation: As a condition of project approval, applications will be required to compensate fully for damage to fish and wildlife and their habitat by employing the most appropriate techniques. Where determined necessary by the department, a mitigation plan pursuant to 4 AAC 95 will be required.	Not applicable.	

Table 6. Regulations – Washington, British Columbia

		Washington	British Columbia
	RESPONSIBLE AUTHORITY <i>Utility Commission</i>	<i>Washington Utilities and Transportation Commission</i>	<i>British Columbia Utilities Commission</i>
0A	Applicable If	An energy utility proposes to build or operate a project in the state of Washington.	A public utility is engaging in business in the province of British Columbia.
1	Statute or Regulation	Washington Public Utility Laws – Revised Code of Washington (RCW) 80. Washington Administrative Code (WAC) – Title 480. and Title 463.62. Energy Independence Act. Department of Fish and Wildlife. - 77.55 RCW.	British Columbia Utilities Commission Act. British Columbia’s Clean Energy Act. British Columbia Environmental Assessment Office Memorandum of Understanding. Environmental Assessment Act.
2	Regulated Activity	The Washington Utilities and Transportation Commission regulates energy utilities for fair prices, safety, reliability, and availability.	The British Columbia Utilities Commission regulates energy utilities to ensure that energy rates are fair and reasonable, and that utility services meet consumer needs in a safe manner under the Utilities Commission Act.
3	Application Procedure/Process	Utilities are required to submit a Certificate of Public Convenience and Necessity application under the Public Utilities Law to build or operate public utility services. The utility must provide all of the information in the CPCN application as specified by the Commission. The CPCN application must include: <ul style="list-style-type: none"> • General goals and specific objectives • Determine that the benefits outweigh the costs in preliminary cost-benefit analysis • Abide by state and federal law (including law under the Department of Ecology, Labor and Industries, Health, Revenue, Social and Health Services and Natural Resources, and the Department of Fish and Wildlife) If the CPCN proposes a project that calls for construction in state waters, then the project must meet the requirements specified under the Department of Fish and Wildlife Chapter 77.55 RCW. The applicant must also meet standards and mitigation requirements specific to seismicity, noise limits, fish and wildlife, wetlands, water quality, and air quality, associated with site certification for construction and operation of energy facilities under the jurisdiction of the council pursuant to WAC 463.62. After the Commission reviews the application, the Commission determines if there is a need for a public hearing. If the Commission identifies a need for a public hearing, a public hearing will be scheduled and a notice of the hearing will be issued. After the review process is complete, the Commission issues an initial order. If the majority of the Commission signs the initial order, a final order is published in a location that is reasonably accessible to the public.	The commission reviews applications for revenue requirements, rate design, and major energy projects. Utilities that desire construction of new or additional facilities must submit Certificates of Public Convenience and Necessity (CPCN) applications to the Secretary of the Commission under Sections 45 and 46 of the Utilities Commission Act, before building or operating a public utility. For additional information, reference the BCUC 2010 Certificates of Public Convenience and Necessity Application Guidelines. The CPCN application must include: <ul style="list-style-type: none"> • General information about the applicant and the project • First Nations and Public Consultations (including a list of the First Nations Information Filing Guidelines) • Project Description • Project Cost Estimate • Provincial Government Energy Objective and Policy Considerations • New Service Areas • List of required permits, licenses and authorizations The Commission conducts an initial review of the CPCN application and issues an order stating the Commission’s decision to grant, deny or hold a public hearing. If a public hearing is held, the Commission will issue a final order containing their decision. The CPCN also requires an overview of community, social and environmental impacts, resources required, risk analysis and the estimated cost to mitigate risk, and preliminary assessment of potential physical, biological and social environments effects and proposals with costs to reduce those effects. The British Columbia Environmental assessment Office is responsible for carrying out environmental assessments under the Canadian Environmental Assessment Act, S.B.C. 2002, c.43. In addition, utilities are often required to submit applications for an Environmental Assessment Certificate (EAC) to the Environmental Assessment Office in tandem with the CPCN. The Environmental Assessment Office reviews the application and determines the applications requirements based on the specific case.
4	Public Notification	All applications, (utility applications, Commission orders, and annual reports) are public documents. All hearings are open to the public. The Commission issues a notice of upcoming hearings and publishes these notices in a place reasonably accessible to the public.	All Certificates of Public Convenience and Necessity applications are public unless otherwise noted. Orders and notices of public hearings are published in the local newspaper and all hearings are open to the public. The order for a public hearing provides where to find the application in question.
5	Public Involvement Requirements	Members of the public can file a complaint and request additional information by submitting a public records request to the Commission.	The CPCN application requires a description of public groups consulted, the information provided by those groups, and the concerns raised by those groups. Members of the public can file information requests to the Commission for additional information not provided in the application and file interventions to participate in a public hearing.
6	Additional Filing/Permitting Information	Applicants should apply for permits as required by federal, state, and local law. WAC 463.62.030: Energy facilities shall meet the noise standards established in chapter 70.107 RCW, the Noise Control Act of 1974; and state rules adopted to implement those requirements in chapter 173-60 WAC, Maximum environmental noise levels.	Utilities must provide a list of all the required permits, licenses and authorizations needed in their CPCN application.
7	Timing (high-level)	An initial order will be issued by the Commission within 60 days of public hearing commencement and the final order will be issued within 90 days after public hearing transcripts are received, oral arguments are complete, initial briefs are filed, or the Commission receives a petition for administrative review (which is a petition filed against the Commission’s initial order).	Utilities must file plans for significant facility extensions once a year to the Commission. CPCN applications must be filed at least 30 days prior to desired effective date. Filing and hearing times will be established by the Commission.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	The Commission determines the length of the proposal at the end of the public hearing and reserves the right to order an extension or null the decision.
9	Reporting Requirements	Public utilities are required to file an annual report to the Commission before May 1 of the following year. The report must include financial	The commission must make a report to the Lieutenant Governor in Council every year for the preceding fiscal year. The report must include summaries of all applications and complaints and other matters and information considered public interest or pertinent to the Lieutenant

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	RESPONSIBLE AUTHORITY <i>Utility Commission</i>	<i>Washington Utilities and Transportation Commission</i>	<i>British Columbia Utilities Commission</i>
		and operational information as required under RCW 80.04.080. The utility annual report is a public document.	Governor in Council.
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Washington Department of Ecology</i>	<i>British Columbia Environmental Assessment Office</i>
9A	Applicable If	A major action would have a “probable, significant, adverse environmental impact” requiring an environmental review.	A reviewable project would have a significant adverse environmental, economic, social, heritage, or health effect requiring an environmental assessment.
10	Statute or Regulation	State Environmental Policy Act, Chapter 43.21C RCW Link	British Columbia Environmental Assessment Act [SBC 2002] Chapter 43. EAA2002 Reviewable Projects Regulation. EAARPR2004
11	Regulated Activity	Environmental review is required for any proposal which involves a government "action," as defined in the SEPA Rules (WAC 197-11-704), and is not categorically exempt. Section 43.21C.031. Significant Impacts. (1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) and 43.21C.450 do not require environmental review or the preparation of an environmental impact statement under this chapter. (2) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.	Section 10. Determining the need for assessment, subsection (1) The executive director by order: (a) may refer a reviewable project to the minister for a determination under section 14, (b) if the executive director considers that a reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that: (i) an environmental assessment certificate is not required for the project, and (ii) the proponent may proceed with the project without an assessment, or (c) if the executive director considers that a reviewable project may have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that (i) an environmental assessment certificate is required for the project, and (ii) the proponent may not proceed with the project without an assessment. Subsection (2): The executive director may attach conditions he or she considers necessary to an order under subsection (1) (b). Subsection (3): A determination under subsection (1) (b) does not relieve the proponent from compliance with the applicable requirements pertaining to the reviewable project under other enactments. Table 7 Electricity Projects EAARPR2004
12	Application Procedure/Process	Not applicable.	The Environmental Assessment Process explains the environmental assessment process, types of projects, the process of a review, application requirements, how the application will be reviewed, the public comment processes, and the Minister’s decision. EAP1, EAP2 is a timeline of the Environmental Assessment Process. EAP1 Environmental Assessment Office User Guide EAP2 Applying for environmental assessment certificate EAOUG Section 16 (1) The proponent of a reviewable project for which an environmental assessment certificate is required under section 10 (1) (c) may apply for an environmental assessment certificate by applying in writing to the executive director and paying the prescribed fee, if any, in the prescribed manner. (2) An application for an environmental assessment certificate must contain the information that the executive director requires.

		Washington	British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Washington Department of Ecology</i>	<i>British Columbia Environmental Assessment Office</i>
13	Public Notification	<p>Section 43.21C.080</p> <p>Notice of action by governmental agency — How publicized — Time limitation for commencing challenge to action.</p> <p>(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in rules adopted under RCW 43.21C.110:</p> <p>(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;</p> <p>(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and</p> <p>(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of first newspaper publication;</p> <p>(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.</p> <p>(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.</p> <p>(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred.</p> <p>(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.</p>	<p>Part 25 (1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.</p>
14	Public Involvement Requirements	<p>Section 197-11-510 Public Notice.</p> <p>Subsection 1: When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.</p> <p>Subsection 2: Each agency shall specify its method of public notice in its SEPA procedures, WAC 197-11-904 and 197-11-906. If an agency does not specify its method of public notice or does not adopt SEPA procedures, the agency shall use methods (a) and (b) in subsection (1).</p> <p>Subsection 3: Documents which are required to be sent to the department of ecology under these rules will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet compliance with this section.</p> <p>197-11-535 Public hearings and meetings.</p>	<p>197-11-510</p> <p>197-11-535</p> <p>First Public Comment Period: Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. Advertisements in local newspapers, radio announcements, posting information on our web site and the most recent method, having the information available in an RSS news feed.</p> <p>A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.</p>
15	Additional Filing/Permitting Information	<p>Section 197-11-100 Information required of applicants.</p>	<p>197-11-100</p> <p>Refer to Part 4 — Special Provisions for Environmental Assessment Process of the Environmental Assessment Act for additional filing and application information.</p>
16	Timing (high-level)	<p>Section 197-11-055 Timing of the SEPA process.</p> <p>Subsection (1): Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.</p> <p>Subsection (2): Timing of review of proposals. The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.</p> <p>(a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.</p> <p>(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.</p> <p>(ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful</p>	<p>197-11-23</p> <p>Part 4, section 24, subsection (1): The following assessment steps must be completed within the prescribed time limits:</p> <p>(a) the evaluation of, and decision on accepting, an application for review under section 16;</p> <p>(b) the review of an application under section 16;</p> <p>(c) the making of a decision under section 17 on an application;</p> <p>(d) a decision on an application for concurrent review under section 23 of one or more applications for approvals under other enactments.</p> <p>Subsection (2): The executive director may suspend the time limit prescribed for subsection (1) (b) if the executive director requires the proponent to provide additional information to complete the review under section 16, or if the review is delayed at the request of the proponent or because of action taken or not taken by the proponent.</p> <p>Subsection (3): At any time after the executive director or the minister has determined under section 11 or 14 the information required for an application, the executive director or the minister may suspend or terminate an assessment under this Act if, after being requested to provide information in an application or at any other time in the assessment, the proponent does not provide the information within the prescribed period.</p>

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	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Washington Department of Ecology</i>		<i>British Columbia Environmental Assessment Office</i>
		environmental analysis. (b) Agencies shall identify the times at which the environmental review shall be conducted either in their procedures or on a case-by-case basis. Agencies may also organize environmental review in phases, as specified in WAC 197-11-060(5). (c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (WAC 197-11-070). (d) A Growth Management Act (GMA) county/city is subject to additional timing requirements (see WAC 197-11-310). WAC 197-11-230 Timing of an integrated GMA/SEPA process.		Subsection (4): The minister or the executive director may extend by order, with or without conditions, the time limit for doing anything under this Act, and may order an extension even if the time limit has expired.
18	Reporting Requirements	Findings -- Intent -- 1995 c 347 § 202: "(1) The legislature finds in adopting RCW 43.21C.240 that: (a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation. (b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW. (c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures. (d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project. (e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.		Project information Centre Section 25(1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director. (2) The executive director may determine (a) which records relating to assessments conducted under this Act are to be available to the public through the project information centre, and (b) in which form or format the records are to be made available.
		Washington		British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>British Columbia Ministry of Environment</i>
18A	Applicable If	A transmission line project would cause discharges into bodies of water. This agency also regulates water quality and development on wetlands.	A transmission line project would impact fish, wildlife, and or special status species.	A transmission line project is developed on wetlands or if the development would impact fish, wildlife, and or special status species.
19	Statute or Regulation	Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington. WQSSW	Construction Projects in State Waters. 77.55.021	Fish Protection Act – Section 12 Riparian Areas Regulation (RAR) and 2006 Amendment Wildlife Act [Revised Statutes of British Columbia (RSBC) 1996] Chapter 488 FPA1997 RAR2004 FPA2006 WA1996
20	Regulated Activity	Issuance of a 401 Certification means that the Department of Ecology has reasonable assurance that the applicant's project will comply with state water quality standards and other aquatic resources protection requirements under Ecology's authority. The 401 Certification can cover both the constructions and operation of a proposed project. Conditions of the 401 Certification become	Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and 77.55.361, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.	This agency regulates development on wetlands and developments that may impact fish, wildlife, and or special status species. Riparian Areas Regulation: The purposes of this regulation is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes. Wildlife Act

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RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>British Columbia Ministry of Environment</i>
		conditions of the Federal permit or license.		Section 19, subsection (1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person: (a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or (b) to omit to do anything that the person is required to do by this Act or the regulations, subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.
21	Application Procedure/Process	<p>To request a 401 Certification, applicants should submit a Joint Aquatic Resources Permit Application (JARPA), along with any additional information applicable to the project (for example: mitigation plan, restoration plans, etc.) to Ecology's Federal Permit Unit. The JARPA form and additional information is available online at http://wdfw.wa.gov/licensing/hpa/</p> <p>For a proposal to be consistent with Washington's CZMP, the project must meet the requirements of the applicable enforcement policies. The six enforceable policies are Washington's Shoreline Management Act (SMA), State Environmental Policy Act (SEPA), Clean Water Act (401 Certification, Stormwater permits), Clean Air Act, Ocean Resources Management Act (ORMA), and WA Energy Facility Site Evaluation Council (EFSEC).</p> <p>When requesting a Coastal Zone Management Consistency determination, Washington Department of Ecology must receive a "Certification of Consistency" form:</p> <p>Form for projects receiving a Federal license or permit Form for Federal Agency activities</p> <ul style="list-style-type: none"> Form for projects receiving federal funds 	<p>RCW 77.55.021 Permit:</p> <p>Section (2): A complete written application for a permit may be submitted in person or by registered mail and must contain the following:</p> <p>(a) General plans for the overall project;</p> <p>(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;</p> <p>(c) Complete plans and specifications for the proper protection of fish life;</p> <p>(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and</p> <p>(e) Payment of all applicable application fees charged by the department under RCW 77.55.321.</p>	<p>If the Riparian Areas Regulation applies to your development, you need to have your property assessed by a Qualified Environmental Professional. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) on your property, which represents the development setback to prevent degradation of fish habitat. Additional measures to maintain riparian fish habitat, such as sediment and erosion control, may be included in the assessment. SPEA vegetation must be left in, or allowed to return to, a natural, undisturbed state. Formal trails and landscaping may be restricted in SPEAS if they have the potential to damage vegetation and/or interfere with the ability of the riparian area to provide fish habitat.</p> <p>RAR Assessment Report Information RAR Methodology RAR Information Form 1: RAR Assessment Report Form Form 2: Information about Additional Qualified Professionals Form 3: Detailed RAR Assessment Form Form 4: Simple RAR Assessment Form Form 5: Description of Photos RAR Assessment Methods</p> <p>Wildlife Act: The Permit Regulation is the main legal tool that people can use to exercise special privileges under the Wildlife Act. Under the new Permit Regulation, two basic types of permits may be granted. You can obtain permits that authorize you to conduct specific activities, or that exempt you from having to comply with certain regulations. To apply for a permit, pick up an application from your nearest regional Fish and Wildlife manager, or Government Agent or the Front Counter BC. If your application for a permit is denied, you will be advised in writing of the reasons for the denial and of any appeal rights you may have.</p>
22	Public Notification	<p>Often a Joint Public Notice is issued by the Department of Ecology and the federal agency issuing the permit or license, otherwise Ecology will issue a separate public notice for the project.</p> <p>401 Certification: WAC 173-225-030: Whenever an application for certification required by section 401 of CWA is filed with the department of ecology, Public notice of an application shall be mailed to people and organizations who have requested it and all others deemed appropriate and, if determined by the department to be desirable in public interest, published 2 times, once a week on the same day, in a newspaper of general circulation in the county where the proposed project is located. The applicant must incur all publication costs and provide an affidavit of publication to the department. If a public hearing is held, the same notification requirements for the notice of application apply.</p>	Not applicable.	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing" comes from the Administrative Procedure Act which is the general requirements for reviewing applications and making rulings.
23	Public Involvement Requirements	<p>Each public notice will include a comment period during which the public, federal, state, and local agencies, tribes, and other interested parties can submit comments on the proposed project. Comments can be submitted by mail or email and will be made part of the official record.</p> <p>WAC 173-225-030: Any person desiring to present views on the application in relation to water pollution control considerations shall</p>	<p>RCW 77.55.341 Department to prepare and distribute information to the public. The department shall prepare and distribute technical and educational information to the general public to assist the public in complying with the requirements of this chapter, including the changes resulting from chapter 1, Laws of 2012 1st sp. sess.</p>	<p>Riparian Areas Regulation: The development of a recovery plan or water management plan must include a process for public participation. Not applicable for Wildlife Act or Fish Protection Act.</p>

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	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>British Columbia Ministry of Environment</i>
		do so by providing the same in writing to the regional office of the department of ecology identified in the notice of application within 20 days after notice of the application was last published or such longer period of time as the director may determine.		
24	Additional Filing/Permitting Information	<p>After the application is submitted the applicant may be required to submit additional information such as wetland delineations, mitigation plans, best management practices, etc. to support application.</p> <p>WAC 173-226-090: Monitoring for compliance with limitations imposed pursuant to WAC 173-226-070 shall be no less than once per year.</p>	<p>Any governmental action may be conditioned or denied pursuant to SEPA. Since the Washington Department of Fish and Wildlife (WDFW) issues permits, i.e., Hydraulic Project Approvals, Grass Carp Applications, and Shooting Preserve Permits, they may be the Lead Agency in reviewing an applicant's project or action before issuing our permit. This status is determined by rule in WAC 197-11-922 through WAC 197-11-946. All agencies must send their own SEPA required actions out for review.</p> <p>RCW 77.55.021 Permit: Under RCW 43.21B.230, unless otherwise provided by law, any person with standing may commence an appeal to the pollution control hearings board by filing a notice of appeal with the board within thirty days from the date of receipt of the decision being appealed.</p>	<p>Riparian Areas Regulation (RAR):</p> <p>Section 4, subsection (2): A local government may allow development to proceed if:</p> <p>(a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that:</p> <p>(i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or</p> <p>(ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, and</p> <p>(b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been:</p> <p>(i) notified of the development proposal, and</p> <p>(ii) provided with a copy of an assessment report prepared by a qualified environmental professional that:</p> <p>(A) certifies that he or she is qualified to carry out the assessment,</p> <p>(B) certifies that the assessment methods have been followed, and</p> <p>(C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the development on the natural features, functions and conditions that support fish life processes in the riparian assessment area.</p> <p>Section 4, subsection (3): A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.</p> <p>Wildlife Act:</p> <p>Section 19 Permits, subsection (2): The form and conditions of the permit may be specified by the director.</p> <p>Subsection (3): If a regional manager issues a permit respecting the use of firearms, the regional manager may exempt a person from the requirements of section 9 of the Firearm Act and may specify the conveyance or type of conveyance for which the permit is limited.</p> <p>Subsection (4): The regional manager or the person authorized by the regional manager may amend the conditions of a permit as determined by him or her and issued under this section, but the amendment is not effective until the permittee has notice of it.</p>
25	Timing (high-level)	<p>401 Certification:</p> <p>The Washington Department of Ecology has up to one year to certify, condition, or deny a project receiving a federal permit, approval, or license. Processing time usually takes 60 to 120 days unless a public hearing is required or an environmental statement must be prepared.</p> <p>RCW 90.48.260: The Department shall reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities first issued on January 17, 2007.</p>	<p>RCW 77.55.021, subsection (7)(a): Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.</p> <p>Subsection 7(b): Except as provided in this subsection and subsections (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:</p> <p>(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;</p> <p>(ii) The site is physically inaccessible for inspection;</p> <p>(iii) The applicant requests a delay; or</p> <p>(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161, subsection. The forty-five day requirement for permit issuance under RCW 77.55.021 is suspended</p>	Not applicable.

		Washington		British Columbia
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>British Columbia Ministry of Environment</i>
			<p>during the time period the department is meeting the requirements of this subsection (3)(b).</p> <p>Subsection 3(c): Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.</p> <p>Subsection 3(d): The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.</p> <p>Each application shall be reviewed on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. Hydraulic Project Approval (HPA)s may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.</p> <p>WAC 220-110-310 Utility Lines</p> <p>Utility line projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to utility line projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.</p> <p>Section (1): Timing restrictions for digging trenches in the beach area for the installation of cables, sewer lines, and other utilities may be further restricted to protect other important fish life.</p> <p>The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application. The department shall strive to issue HPAs in less than thirty days.</p>	
26	Lifetime for Permit or Authorization (if applicable)	<p>401 Certification:</p> <p>RCW 90.48: 401 Certification becomes part of the federal permit or license. The duration of the 401 Certification would be in effect for same time period as the permit or license, however Ecology issues 401 Certifications as administrative orders, so they may have conditions that apply to the project longer than the federal permit or license.</p>	<p>Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.</p>	<p>Wildlife Act: part 1, Section 59, subsection 7:</p> <p>Most permits apply for limited periods of time--usually not more than 5 years.</p>
27	Reporting Requirements	<p>RCW 36.70A.130: Each county and city shall establish and broadly disseminate to the public a public participation program consistent that identifies procedures and schedules whereby reviewed and revised, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

Table 7. Regulations – Idaho, British Columbia

		Idaho	British Columbia
	RESPONSIBLE AUTHORITY <i>Utility Commission</i>	<i>Idaho Public Utilities Commission</i>	<i>British Columbia Utilities Commission</i>
0A	Applicable If	A public utility proposes to construct or operate a transmission project in the State of Idaho.	A public utility is engaging in business in the province of British Columbia.
1	Statute or Regulation	Idaho Statutes Title 61 Public Utility Regulation. Idaho Statutes Title 62 Railroads and Other Public Utilities. Idaho Public Records Act. Idaho Administrative Procedures Act (IDAPA) 31.01.01.	British Columbia Utilities Commission Act. British Columbia's Clean Energy Act. British Columbia Environmental Assessment Office Memorandum of Understanding. Environmental Assessment Act.
2	Regulated Activity	The Idaho Public Utilities Commission regulates electric utilities. The Commission issues a Certificate of Public Convenience and Necessity to utilities for construction and operation of transmission lines in counties. Idaho Code 61-1701: However if the utility wishes to the construct or modify transmission facilities located in a national interest electric transmission corridor designated by the secretary of the United States department of energy under section 1221 of the energy policy act of 2005, then the utility's application is reviewed by the DOE. Idaho Code 61-1703: In the event that the secretary designates a national interest electric transmission corridor within Idaho, the public utilities commission is authorized to review the siting of all electric transmission facilities within such federally designated corridor. After notice and an opportunity for hearing, the commission shall review and deny, approve, or approve with conditions an application seeking a route certificate to construct transmission facilities within a designated national interest electric transmission corridor. Idaho Code 67-6528: a local land use or permitting decision concerning a public utility may become null and void if such decision is in conflict with a specific order of the PUC, provided that the PUC has given the affected local government an opportunity to appear or consult with the Commission regarding such conflict.	The British Columbia Utilities Commission regulates energy utilities to ensure that energy rates are fair and reasonable, and that utility services meet consumer needs in a safe manner under the Utilities Commission Act.
3	Application Procedure/Process	The Commission requires a Certificate of Public Convenience and Necessity to the Commission to build and operate utilities, as specified in Idaho Code, Title 61 the utility must submit an application to the Commission that must include: <ul style="list-style-type: none"> • A description of the project and applicant • Applicant contact information • Copies of all relevant by-laws • Proof of approval from the Idaho Department of Environmental Quality or local health departments • List of other similar utilities in the area • Financial statements and a description of customer benefits Once the application is complete, the Commission will begin the application review process. If the application is uncontested, the commission may submit a final decision after review of the application. If an application is contested, the commission then holds a public hearing. Upon conclusion of the public hearing, the Commission files a final order with the Commission's decision. A notice of appeal for a final Commission decisions can be filed to the Commission. Route Certification: Idaho Code 61-1704: Each transmission utility seeking authority to site electric transmission facilities in a national interest electric transmission corridor, shall submit a notice of intent to file an application for a route certificate to the Commission containing the information required by Idaho Code 61-1704. The commission, from when the notice of intent is filed, convene a pre-application conference with the transmitting utility, federal, state, local government and tribal permitting entities, for the purpose of reviewing the notice of intent. The Route application must contain the information and exhibits pursuant to Idaho Code 61-1705, any other information the Commission requests and prefiled testimony that supports the application information. Idaho Code 61-1707: After a transmitting utility has filed its notice of intent with the commission and before it files the application for a route certificate, the transmitting utility shall conduct informal public workshops at location(s) along the proposed transmission route. The commission will determine whether the staff should conduct an informational public workshop at locations along the proposed transmission route. The purpose of the public workshop is for the commission staff to dispense information concerning the transmission utility's application and to advise interested persons on how to participate in the commission's review proceeding. If the Commission decides to hold a public workshop, the Commission will issue a notice of public workshop. Idaho Code 61-1705: After notice and an opportunity for hearing, the commission shall issue its final order denying, granting, or granting with conditions the application for a route certificate.	The commission reviews applications for revenue requirements, rate design, and major energy projects. Utilities that desire construction of new or additional facilities must submit Certificates of Public Convenience and Necessity (CPCN) applications to the Secretary of the Commission under Sections 45 and 46 of the Utilities Commission Act, before building or operating a public utility. For additional information, reference the BCUC 2010 Certificates of Public Convenience and Necessity Application Guidelines. The CPCN application must include: General information about the applicant and the project <ul style="list-style-type: none"> • First Nations and Public Consultations (including a list of the First Nations Information Filing Guidelines) • Project Description • Project Cost Estimate • Provincial Government Energy Objective and Policy Considerations • New Service Areas • List of required permits, licenses and authorizations • The Commission conducts an initial review of the CPCN application and issues an order stating the Commission's decision to grant, deny or hold a public hearing. If a public hearing is held, the Commission will issue a final order containing their decision. • The CPCN also requires an overview of community, social and environmental impacts, resources required, risk analysis and the estimated cost to mitigate risk, and preliminary assessment of potential physical, biological and social environments effects and proposals with costs to reduce those effects. The British Columbia Environmental assessment Office is responsible for carrying out environmental assessments under the Canadian Environmental Assessment Act, S.B.C. 2002, c.43. In addition, utilities are often required to submit applications for an Environmental Assessment Certificate (EAC) to the Environmental Assessment Office in tandem with the CPCN. The Environmental Assessment Office reviews the application and determines the applications requirements based on the specific case.
4	Public Notification	Utilities must notify customers of any CPCN applications by issuing a press release and making the application publicly available. Utilities must also request a Notice of Application from the Commission with submission of the CPCN application. The applicant must publish a Notice of Modified Procedures, Notice of Public Workshops, and Notice of Parties in the local medias listed by the Commission. All	All Certificates of Public Convenience and Necessity applications are public unless otherwise noted. Orders and notices of public hearings are published in the local newspaper and all hearings are open to the public. The order for a public hearing provides where to find the application in question.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Idaho	British Columbia
	RESPONSIBLE AUTHORITY <i>Utility Commission</i>	<i>Idaho Public Utilities Commission</i>	<i>British Columbia Utilities Commission</i>
		proceeding documents and final orders are posted the Commission's website. Route Certification: Idaho Code 61-1704: The applicant must publish notice of filing the notice of intent with the Commission in a daily or weekly newspaper of general circulation at least once a week for 2 weeks, create maintain and up-to-date website, and make copies of the notice available in publicly accessible locations in each county or city affected by the project. Idaho Code 61-1707: Notice of the public workshops shall be issued a minimum of fourteen (14) days prior to the workshop to newspapers of general circulation and radio and television stations in the affected area Idaho Code 61-1705: The transmitting utility will make available copies of its complete application on its project website and at publicly accessible locations in each county. The application will also be available on the commission's website.	
5	Public Involvement Requirements	The public can apply to become an intervener and actively participate in public hearings. The public may also subscribe to the Commission's RSS feed to receive updates about a case. Municipalities, counties, and chambers of commerce in the affected area are considered parties and can be actively involved in public hearings without submitting an application.	The CPCN application requires a description of public groups consulted, the information provided by those groups, and the concerns raised by those groups. Members of the public can file information requests to the Commission for additional information not provided in the application and file interventions to participate in a public hearing.
6	Additional Filing/Permitting Information	Applicants must apply for the appropriate permits from the Idaho Department of Land, Department of Water Resources, Department of Parks and Recreation, Transportation Department, and Department of Environmental Quality. The Department of Environmental Quality requires 401 Certification and 404 Permits for construction of utility facilities.	Utilities must provide a list of all the required permits, licenses and authorizations needed in their CPCN application.
7	Timing (high-level)	Certificate of Public Convenience and Necessity: Final orders issued by the Commission come into effect 20 days after filing. Route Certification: Idaho Code 61-1704: Each transmission utility seeking authority to site electric transmission facilities in a national interest electric transmission corridor must submit a notice of intent to file an application for a route certificate with the commission at least 120 days before the transmission utility intends to file an application. Idaho Code 61-1704: Within 21 days the applicant files a notice of intent, the commission must convene a pre-application conference. Idaho Code 61-1705: The commission shall issue its final order no later than twelve (12) months after the application for a route certificate is filed, unless the transmitting utility agrees to an extension in writing.	Utilities must file plans for significant facility extensions once a year to the Commission. CPCN applications must be filed at least 30 days prior to desired effective date. Filing and hearing times will be established by the Commission.
8	Lifetime for Permit or Authorization (if applicable)	Idaho Code 61-1708: Subject to any conditions attached to the certificate by the commission, a final commission order granting a route certificate shall bind the state and each of its agencies, divisions, bureaus, commissions, boards and local governments as to the approval of the authorized transmission route and the construction and operation of the authorized transmission facility.	The Commission determines the length of the proposal at the end of the public hearing and reserves the right to order an extension or null the decision.
9	Reporting Requirements	Utilities must submit annual gross intrastate revenue reporting forms to the Commission.	The commission must make a report to the Lieutenant Governor in Council every year for the preceding fiscal year. The report must include summaries of all applications and complaints and other matters and information considered public interest or pertinent to the Lieutenant Governor in Council.
		Idaho	British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>British Columbia Environmental Assessment Office</i>
9A	Applicable If		A reviewable project would have a significant adverse environmental, economic, social, heritage, or health effect requiring an environmental assessment.
10	Statute or Regulation		British Columbia Environmental Assessment Act [SBC 2002] Chapter 43. EAA2002 Reviewable Projects Regulation. EAARPR2004
11	Regulated Activity		Section 10. Determining the need for assessment, subsection (1) The executive director by order: (a) may refer a reviewable project to the minister for a determination under section 14, (b) if the executive director considers that a reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that: (i) an environmental assessment certificate is not required for the project, and (ii) the proponent may proceed with the project without an assessment, or (c) if the executive director considers that a reviewable project may have a significant adverse environmental, economic, social, EAARPR2004

		Idaho	British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>British Columbia Environmental Assessment Office</i>
			heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that (i) an environmental assessment certificate is required for the project, and (ii) the proponent may not proceed with the project without an assessment. Subsection (2): The executive director may attach conditions he or she considers necessary to an order under subsection (1) (b). Subsection (3): A determination under subsection (1) (b) does not relieve the proponent from compliance with the applicable requirements pertaining to the reviewable project under other enactments. Table 7 Electricity Projects
12	Application Procedure/Process		The Environmental Assessment Process explains the environmental assessment process, types of projects, the process of a review, application requirements, how the application will be reviewed, the public comment processes, and the Minister's decision. EAP1, EAP2 is a timeline of the Environmental Assessment Process. Environmental Assessment Office User Guide Applying for environmental assessment certificate Section 16 (1) The proponent of a reviewable project for which an environmental assessment certificate is required under section 10 (1) (c) may apply for an environmental assessment certificate by applying in writing to the executive director and paying the prescribed fee, if any, in the prescribed manner. (2) An application for an environmental assessment certificate must contain the information that the executive director requires. EAP1 EAP2 EAOUG
13	Public Notification		Part 25 (1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.
14	Public Involvement Requirements		First Public Comment Period: Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. Advertisements in local newspapers, radio announcements, posting information on our web site and the most recent method, having the information available in an RSS news feed. A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.
15	Additional Filing/Permitting Information		Refer to Part 4 — Special Provisions for Environmental Assessment Process of the Environmental Assessment Act for additional filing and application information.
16	Timing (high-level)		Part 4, section 24, subsection (1): The following assessment steps must be completed within the prescribed time limits: (a) the evaluation of, and decision on accepting, an application for review under section 16; (b) the review of an application under section 16; (c) the making of a decision under section 17 on an application; (d) a decision on an application for concurrent review under section 23 of one or more applications for approvals under other enactments. Subsection (2): The executive director may suspend the time limit prescribed for subsection (1) (b) if the executive director requires the proponent to provide additional information to complete the review under section 16, or if the review is delayed at the request of the proponent or because of action taken or not taken by the proponent. Subsection (3): At any time after the executive director or the minister has determined under section 11 or 14 the information required for an application, the executive director or the minister may suspend or terminate an assessment under this Act if, after being requested to provide information in an application or at any other time in the assessment, the proponent does not provide the information within the prescribed period. Subsection (4): The minister or the executive director may extend by order, with or without conditions, the time limit for doing anything under this Act, and may order an extension even if the time limit has expired.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Idaho				British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>				<i>British Columbia Environmental Assessment Office</i>
18	Reporting Requirements					Project information Centre Section 25(1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director. (2) The executive director may determine (a) which records relating to assessments conducted under this Act are to be available to the public through the project information centre, and (b) in which form or format the records are to be made available.
		Idaho				British Columbia
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>British Columbia Ministry of Environment</i>
18A	Applicable If	A transmission line project would have an impact the state's waterbodies and water quality.	A transmission line project would have an impact on fish and wildlife resources.	A transmission line project would encroach or cross the state's navigable lakes or state-owned submerged or formerly submerged lands.	A transmission line project would require construction or crossing within a stream channel.	A transmission line project is developed on wetlands or if the development would impact fish, wildlife, and or special status species.
19	Statute or Regulation	401 Certification and 404 Permits Title 39, chapters 1, 36, 44, 71 and 74 of Idaho Code	13. 01.06 e.5 – Rules Governing Classification and Protection of Wildlife	Title 58, Chapter 13, Idaho Code, Lake Protection Act.	Chapter 38, Title 42 Idaho Code 42-202A	Fish Protection Act – Section 12 Riparian Areas Regulation (RAR) and 2006 Amendment Wildlife Act [Revised Statutes of British Columbia (RSBC) 1996] Chapter 488
20	Regulated Activity	DEQ's role in the Section 404 permitting process entails issuing §401 certifications that the actions authorized by the permits do not violate Idaho water quality standards. DEQ coordinates closely with the Corps during the certification process of Section 404 permits. DEQ has certified with conditions the majority of the 2012 Army Corps of Engineers Nationwide Permits (NWPs) authorizing the discharge of dredged or fill material associated with general types of activities such as aquatic habitat restoration, establishment, and enhancement and residential, commercial, and institutional developments.	No person shall take or possess those species of wildlife classified as Protected Nongame, or Threatened or Endangered at any time or in any manner, except as provided in Sections 36-106(e), 36-401, and 36-1107, Idaho Code, by Commission rule, or IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife," Subsection 100.06.b. Protected Nongame status is not intended to prevent unintentional take of these species, protection of personal health and/or safety, limit property and building management, or prevent management of animals to address public health concerns or agricultural	The Idaho Department of Lands has jurisdiction if proposed transmission lines fall under the rules listed below: 1. If the project encroached on or crossed navigable lakes, - Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho would apply. A permit and/or lease would be required. Easements are possible in some cases. 2. If the project encroached on or crossed navigable rivers, - Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands would apply. A permit and/or lease would be required. Easements are possible in some cases.	The Idaho Department of Water Resources (IDWR) has permitting authority over transmission projects that require crossings or construction within a stream channel. Chapter 38, Title 42 of the Idaho Code vests authority in the Director of IDWR to accept applications to alter stream channels and approve the applications, if appropriate. The chapter also grants IDWR the authority to enforce the law against those who alter a stream channel without a permit. IDWR jurisdiction is limited to the area of the stream channel below the mean high water mark. The channel must be of "perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water." Any excavation or fill in stream channels must be permitted. If an excavation for a transmission project exceeding 18 feet in depth is required for	This agency regulates development on wetlands and developments that may impact fish, wildlife, and or special status species. Riparian Areas Regulation: The purposes of this regulation is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes. Wildlife Act Section 19, subsection (1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person: (a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or (b) to omit to do anything that the person is required to do by this Act or the regulations, subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Idaho				British Columbia
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>British Columbia Ministry of Environment</i>	
	DEQ partially certified the following three NWP: NWP 12 (Utility Line Activities), NWP 13 (Bank Stabilization), and NWP 14 (Linear Transportation Projects). DEQ will provide individual §401 certifications for activities authorized under the NWPs that have been denied on a project-by-project basis.	damage.		geotechnical testing, or for footing placement, it may be considered a "well." A well is defined as "an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water of any temperature is sought or obtained." Prior to constructing a well, the proponent of drilling a well must obtain a drilling permit from IDWR. Construction projects often require water for dust control or mixing construction materials. Because of the transient nature of construction projects, IDWR often issues temporary water rights to construction companies under Idaho Code 42-202A. Use under a temporary water right is limited to five acre-feet.		
21 Application Procedure/Process	No overall water quality approvals or permits are required for transmission lines or their installation. However, to the extent the project or its components require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (USACE) for the discharge of dredged or fill materials into navigable waters of the United States, the permit applicant must obtain a Clean Water Act Section 401 certification from DEQ that the project or component will not violate applicable water quality requirements.	If it is necessary for an applicant to conduct baseline studies that include handling or collecting wildlife, then the applicant must work through Idaho Fish and Game to possess wildlife. IDAPA 13.01.10: No person shall import, export, transport into or cause to be transported within, release or sell within the state of Idaho any living wildlife including wildlife eggs without having first obtained a permit from, and on a form prescribed by, the Director of the Idaho Department of Fish and Game. APPLICATION FOR SCIENTIFIC COLLECTING, BANDING, OR POSSESSION PERMIT.	Encroachment Permit Applications require ALL of the following documents: <ul style="list-style-type: none">• 404 Joint Application for Permit• Instructions for 404 Permit• Information and Sample Drawings - Contains additional information and sample drawings needed to complete the Encroachment Permit Application Commercial/Community /Non-Navigational Application	To alter a stream channel, an applicant must file a joint-agency stream channel alteration permit and receive approval of your application. The completed application may be submitted to any Idaho Department of Water Resources office. 404JAP 404R EPA CCNAEPA 404JAP 404R EPA • 404 Joint Application for Permit • Instructions for 404 Permit • Information and Sample Drawings - Contains additional information and sample drawings needed to complete the Encroachment Permit Application	If the Riparian Areas Regulation applies to your development, you need to have your property assessed by a Qualified Environmental Professional. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) on your property, which represents the development setback to prevent degradation of fish habitat. Additional measures to maintain riparian fish habitat, such as sediment and erosion control, may be included in the assessment. SPEA vegetation must be left in, or allowed to return to, a natural, undisturbed state. Formal trails and landscaping may be restricted in SPEAS if they have the potential to damage vegetation and/or interfere with the ability of the riparian area to provide fish habitat. RAR Assessment Report Information RAR Methodology RAR Information Form 1: RAR Assessment Report Form Form 2: Information about Additional Qualified Professionals Form 3: Detailed RAR Assessment Form Form 4: Simple RAR Assessment Form Form 5: Description of Photos RAR Assessment Methods Wildlife Act: The Permit Regulation is the main legal tool that people can use to exercise special privileges under the Wildlife Act. Under the new Permit Regulation, two basic types of permits may be granted. You can obtain permits that authorize you to conduct specific activities, or that exempt you from having to comply with certain regulations. To apply for a permit, pick up an application from your nearest regional Fish and Wildlife manager, or Government Agent or the Front Counter BC. If your application for a permit is denied, you will be advised in writing of the reasons for the denial and of any appeal rights you may have.	
22 Public Notification	Not applicable.	Not applicable.	Part (b) Within ten (10) days of receipt of an application submitted under subsection (a) of this section, the board shall cause to be published in a newspaper having general circulation in the county in which	Not applicable.	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing” comes from the Administrative Procedure Act which is the general requirements for reviewing applications and making rulings.	

		Idaho				British Columbia
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>British Columbia Ministry of Environment</i>	
				the encroachment is proposed, once a week for two (2) consecutive weeks, a notice advising of the application and describing the proposed encroachment and general location thereof. Applications for installation of buried or submerged water intake lines and utility lines shall be exempt from the newspaper publication process. The board may also furnish copies of the application and accompanying plans to other state agencies having an interest in the lake to determine the opinion of such state agencies as to the likely effect of the proposed encroachment upon adjacent property and lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty or water quality. Within thirty (30) days following receipt of such copy of the application and plans from the board, such other state agency shall notify the board of its opinion and recommendations, if any, for alternate plans determined by such agency to be economically feasible to accomplish the purpose of the proposed encroachment without adversely affecting unreasonably adjacent property or other lake value factors.		
23 Public Involvement Requirements	DEQ provides an opportunity for the public to comment on its draft §401 certifications by posting our draft certifications to our website. Public comment periods typically last for 21 days, although DEQ may offer shorter or longer time frames if justified. DEQ also posts its final certification decisions to the web. DEQ certification procedures for NPDES	Link Not applicable.	Any resident of the state of Idaho, or a nonresident owner or lessee of real property adjacent to the lake, or any state or federal agency may, within thirty (30) days of the first date of publication, file with the board an objection to the proposed encroachment and a request for a hearing on the application. If a hearing is requested, the same shall be held no later than ninety (90) days from the date of filing the application and notice of such hearing shall be given in the manner prescribed for publishing notice of application. The board	The permitting rules do not require public notices or public hearings; however, in some circumstances a public hearing is necessary to ensure full coordination and project visibility. Since you cannot begin work without the permit, it is important that you allow for the permit processing time in planning your proposed project start date.	Riparian Areas Regulation: The development of a recovery plan or water management plan must include a process for public participation. Not applicable for Wildlife Act or Fish Protection Act.	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Idaho				British Columbia
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>British Columbia Ministry of Environment</i>
		<p>permits where EPA provides DEQ with a preliminary draft NPDES permit, the DEQ will provide a draft water quality certification decision within 30 days, any DEQ revisions or comments are included in the permit application fact sheet and the application and fact sheet are made available to the public, commencing the public comment period that is to be no less than 30 days. If EPA does not provide DEQ with a preliminary draft, the EPA will send DEQ the proposed final permit and request a final water quality certification within 30 days.</p> <p>The public may provide written comments to DEQ regarding the 401 certification. The comment period shall extend for forty-five (45) days after the date DEQ issues notice of its preliminary decision. Within fifteen (15) days of the date of notice of the preliminary decision, any person may request a public hearing or meeting in order to submit oral comments to DEQ. If DEQ determines a public hearing or meeting is appropriate, the meeting or hearing shall be held within the forty-five (45) day comment period, unless a later date is warranted.</p>		<p>may, in its discretion, within ten (10) days of filing the application, order a hearing in the first instance in which case, publication of notice of the application shall be dispensed with. All such hearings shall be public and held under rules promulgated by the board under the provisions of chapter 52, title 67 of the Idaho Code. The board shall render a decision within thirty (30) days following conclusion of the hearing and a copy of the board's decision shall be mailed to the applicant and to each person or agency appearing at the hearing and giving testimony in support of or in opposition to the proposed encroachment. Any applicant or other aggrieved party so appearing at a hearing shall have the right to have the proceedings and decision of the board reviewed by the district court in the county where the encroachment is proposed by filing notice of appeal within thirty (30) days from the date of the board's decision. If the decision of the board be approval of a permit, the party or parties appealing shall file a bond on such appeal in an amount to be fixed by the court but not less than five hundred dollars (\$500) insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney's fees, incurred on the appeal in the event the district court sustains the action of the board.</p>		
24	Additional Filing/Permitting Information	<p>404 Permit Flow Chart DEQ's final decision regarding 401 certification may be appealed by the</p>	<p>Permit Application: The application should be submitted with a fee of \$51.75 to either the Fisheries or Wildlife Bureau at the Headquarters Office in Boise.</p>	<p>Any proposal involving state endowment lands would most likely require a lease. The project would have to be formally proposed to the department.</p>	<p>A joint-agency stream channel alteration application is used by IDWR, the Idaho Department of Lands, and the U.S. Army Corps of Engineers, is available from</p>	<p>Riparian Areas Regulation (RAR): Section 4, subsection (2): A local government may allow development to proceed if: (a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that:</p>

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		applicant or “other aggrieved person” pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §39-107(5) and the Idaho Administrative Procedure Act. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure Before the Board of Environmental Quality (IDAPA 58.01.23) within thirty-five (35) days of the date of DEQ’s decision regarding the 401 certification.	All permits must be reviewed and approved by the Bureau, the Bureau of Enforcement, and the appropriate Region(s). Permit Application: A report must be submitted within 30 days after expiration of the permit. The report will include the date, Regional office employee notified, place of sampling, numbers and species of specimen captured, and the disposition of the specimen. A signed receipt, listing the foregoing information on any samples killed, must accompany the report. No additional permits may be granted until the report is received and accepted by the Department. No wildlife in possession may be released back into the wild without prior Department approval. If requested by the Department, a copy of the final report, of which the collection done under this permit is a part, must be furnished to the Department free of charge. The permit is not transferable, nor may its authority be delegated to any other individual(s).	Due diligence would include examining the proposal to determine a fit with the highest and best use for the property and if it is in the best interests of the owning endowment(s). Any proposal would also require examination of proforma financial statements, business history, etc. Ultimately, approval of the State Board of Land Commissioners would be needed.	any of these offices or the IDWR web site. This single form is intended to streamline the application process among the various concerned resource agencies. To minimize duplication of effort when submitting an application that is pertinent to more than one agency, complete the application, except for the signature sections, make copies and then sign all copies and send to appropriate agencies. The application asks for a description of the project, the amount of material that needs to be excavated or filled, any anticipated environmental consequences, the type of equipment you expect to use and other similar information. You also will need to submit plans for your project that will help reviewers understand the extent, purpose and location of the work. These plans should include some reference to water surface elevations and stream boundaries including the ordinary high water marks.	(i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or (ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, and (b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been: (i) notified of the development proposal, and (ii) provided with a copy of an assessment report prepared by a qualified environmental professional that: (A) certifies that he or she is qualified to carry out the assessment, (B) certifies that the assessment methods have been followed, and (C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the development on the natural features, functions and conditions that support fish life processes in the riparian assessment area. Section 4, subsection (3): A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal. Wildlife Act: Section 19 Permits, subsection (2): The form and conditions of the permit may be specified by the director. Subsection (3): If a regional manager issues a permit respecting the use of firearms, the regional manager may exempt a person from the requirements of section 9 of the Firearm Act and may specify the conveyance or type of conveyance for which the permit is limited. Subsection (4): The regional manager or the person authorized by the regional manager may amend the conditions of a permit as determined by him or her and issued under this section, but the amendment is not effective until the permittee has notice of it.
25	Timing (high-level)	DEQ has up to one year to provide a 401 certification decision; however, the Corps generally requests DEQ issue a 401 certification decision within 60 days. DEQ will notify the Corps when additional time (not to exceed one year) is necessary to complete the project review and certification process.	The issuance of scientific banding, collecting, or possession permits require four to six weeks for approval and issuance. Permit Application: The application must be submitted a minimum of 20 days prior to the proposed starting date.	Not applicable.	Such application shall be submitted not less than sixty (60) days prior to the intended date of commencement of construction of such stream channel alteration and shall be upon forms to be furnished by the director or in such other form as deemed appropriate by memorandum of agreement with other state and federal agencies and shall be accompanied by plans of the proposed stream channel alteration and the statutory filing fee.	Not applicable.
26	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Wildlife Act: part 1, Section 59, subsection 7: Most permits apply for limited periods of time--usually not more than 5 years.
27	Reporting Requirements	When a certification is issued with conditions, it may specify	The Department suggests options to avoid or mitigate a project’s	Not applicable.	Not applicable.	Not applicable.

		Idaho				British Columbia
RESPONSIBLE AUTHORITY	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>British Columbia Ministry of Environment</i>	
		effluent or other limitations and/or other requirements (e.g., monitoring, reporting, implementing best management practices) to ensure the project will not violate state water quality standards or other water quality requirements of state laws. Those conditions become conditions of the license or permit and are enforceable.	potential for detrimental effects.			

Table 8. Regulations – Montana, British Columbia, Alberta, Saskatchewan

		Montana	British Columbia	Alberta	Saskatchewan
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Montana Public Service Commission</i>	<i>British Columbia Utilities Commission</i>	<i>Alberta Utilities Commission</i>	<i>No Applicable Agency</i>
0A	Applicable If	An electric utility proposes to operate or construct a utility project in the State of Montana.	A public utility is engaging in business in the province of British Columbia.	Private electric utilities propose to construct or operate utilities in Alberta.	
1	Statute or Regulation	Montana Code Title 69 Public Utilities and Carriers. DEQ Montana Environmental Policy Act (MEPA) MPUC Procedural Rule and Guidelines. DEQ/MEPA	British Columbia Utilities Commission Act. UCA1996 British Columbia's Clean Energy Act. CEA2010 British Columbia Environmental Assessment Office Memorandum of Understanding. MOUBC Environmental Assessment Act. EAA2002	Alberta Utilities Commission Act. AUCA2007 Electric Utilities Act. EUA2003 Hydro and Electric Energy Act. HEEA2000 Public Utilities Act. PUA2000 Alberta Utilities Commission (AUC) Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designation. AUCR7	
2	Regulated Activity	The Montana Public Service Commission regulates the rate services provided by electric utilities.	The British Columbia Utilities Commission regulates energy utilities to ensure that energy rates are fair and reasonable, and that utility services meet consumer needs in a safe manner under the Utilities Commission Act.	The Alberta Utilities Commission regulates private electric utilities and markets for environmental, social and economic interest protection.	
3	Application Procedure/Process	Utilities must submit an application to the Commission for construction and operation of utility facilities. The application must include: <ul style="list-style-type: none"> • A description of the project • Description of design alternatives considered • Application summary • Design characteristics • Construction description • Operation and maintenance description • Facility costs, which includes the environmental cost • Explanation of need • Analysis of alternatives, which includes reconnaissance of the study area and an environmental information inventory The Commission requires the applicant to provide enough information for the Montana Department of Health and Environmental Science to evaluate the project proposal, as required by MEPA. The Montana Department of Health and Environmental Sciences requires mitigation and sensitive area measures. A biological resource impacts analysis must also be completed. The analysis should include wildlife, vegetation, cultural resource overview and impacts, recreation areas and impacts, lakes, streams, water resources, wilderness areas, noise and electrical impacts, and alternative proposals examined. The Environmental Quality Council advises legislatures and the governor on current and prospective environmental quality in an area that would be affected by a project proposal. The Council's goal is to ensure that the proposed project would comply with MEPA 75-1-103. Link	The commission reviews applications for revenue requirements, rate design, and major energy projects. Utilities that desire construction of new or additional facilities must submit Certificates of Public Convenience and Necessity (CPCN) applications to the Secretary of the Commission under Sections 45 and 46 of the Utilities Commission Act, before building or operating a public utility. For additional information, reference the BCUC 2010 Certificates of Public Convenience and Necessity Application Guidelines. The CPCN application must include: General information about the applicant and the project <ul style="list-style-type: none"> • First Nations and Public Consultations (including a list of the First Nations Information Filing Guidelines) • Project Description • Project Cost Estimate • Provincial Government Energy Objective and Policy Considerations • New Service Areas • List of required permits, licenses and authorizations • The Commission conducts an initial review of the CPCN application and issues an order stating the Commission's decision to grant, deny or hold a public hearing. If a public hearing is held, the Commission will issue a final order containing their decision. • The CPCN also requires an overview of community, social and environmental impacts, resources required, risk analysis and the estimated cost to mitigate risk, and preliminary assessment of potential physical, biological and social environments effects and proposals with costs to reduce those effects. The British Columbia Environmental assessment Office is responsible for carrying out environmental assessments under the Canadian Environmental Assessment Act, S.B.C. 2002, c.43. In addition, utilities are often required to submit applications for an Environmental Assessment Certificate 2015CPCN FNPC	Before facility applications can be submitted, the Alberta Electric System Operator (AESO) determines, using technical models, the need for a transmission application. If a need is identified, AESO prepares a Need Identification Document (NID) and files it with the Commission. The NID application includes the circumstances creating the need for the application and assigns the Transmission Facility Owner (TFO) responsible for the project. The TFO then submits a permit to construct and a license to operate the facility application to the Commission. The TFO application must include alternative transmission line placement, land zoning, land use, land ownership, existing developments, agriculture, wildlife, parks, recreational areas, and archaeological and historical resources. A public consultation period must be conducted by AESO and TFO to submit their respective applications. The Public Consultation must follow the requirements specified under AUC Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designation. After the public consultation period, AESO completes the application by adding the following information: <ul style="list-style-type: none"> • Agricultural, residential, and environmental impacts • Cost • Electrical considerations • Visual impact • Special constraints The Commission requires all applications to be e-filed on their website and the Commission can request additional information be included in the TFO application. The Commission then reviews the application. The Commission sends a direct notice to all affected parties and publishes a Notice of Application in local newspapers that specifies how the public can acquire a copy of the application and participate in the application process. The Commission then publishes a Notice of Hearing in the local newspaper and conducts a Public Hearing. Following the hearing, the Commission files a Letter of decision Determining if the application is approved, conditionally approved, or denied.	

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	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Montana Public Service Commission</i>	<i>British Columbia Utilities Commission</i>	<i>Alberta Utilities Commission</i>	<i>No Applicable Agency</i>
			(EAC) to the Environmental Assessment Office in tandem with the CPCN. The Environmental Assessment Office reviews the application and determines the applications requirements based on the specific case.		
4	Public Notification	The Commission publishes a Notice of Application, Notice of Public Meetings, Notice of Opportunity to Comment, public meeting testimony, the application, and all final orders to their website. All reports, records, accounts, files, papers, and memos related to the Commission are open to the public unless otherwise noted.	All Certificates of Public Convenience and Necessity applications are public unless otherwise noted. Orders and notices of public hearings are published in the local newspaper and all hearings are open to the public. The order for a public hearing provides where to find the application in question.	AESO must notify landowners in the proposed transmission corridors and TFO must provide information to all potentially affected parties.	
5	Public Involvement Requirements	All public hearings are open to the public unless otherwise noted. The public must submit an application as an intervener to participate in public meetings beyond giving a public comment. The public can file a comment for any active Commission proceedings. The public can file a complaint with the Commission for any utility regulated by the Commission.	The CPCN application requires a description of public groups consulted, the information provided by those groups, and the concerns raised by those groups. Members of the public can file information requests to the Commission for additional information not provided in the application and file interventions to participate in a public hearing.	Members of the public can apply to become an intervener in the public hearing by submitting a description of interest and an explanation of their position on the application.	
6	Additional Filing/Permitting Information	Utilities must provide copies of permit applications required by MEPA with project applications to the Commission. Permits include water discharge and land use permits.	Utilities must provide a list of all the required permits, licenses and authorizations needed in their CPCN application.	Not applicable.	
7	Timing (high-level)	The Commission must determine if an application is adequate or not within 45 days of submission.	Utilities must file plans for significant facility extensions once a year to the Commission. CPCN applications must be filed at least 30 days prior to desired effective date. Filing and hearing times will be established by the Commission.	The Commission must release their decision of an application 90 days after the public hearing is closed.	
8	Lifetime for Permit or Authorization (if applicable)	A final order is upheld until a revision, appeal, or new order replaces it.	The Commission determines the length of the proposal at the end of the public hearing and reserves the right to order an extension or null the decision.	Not applicable.	
9	Reporting Requirements	Public utilities must close all accounts on either June 30 or December 31 and provide the Commission with an annual report of the accounts by October 31.	The commission must make a report to the Lieutenant Governor in Council every year for the preceding fiscal year. The report must include summaries of all applications and complaints and other matters and information considered public interest or pertinent to the Lieutenant Governor in Council.	Not applicable.	
		Montana	British Columbia	Alberta	Saskatchewan
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Montana Department of Environmental Quality</i>	<i>British Columbia Environmental Assessment Office</i>	<i>Alberta Environment Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>
9A	Applicable If	The siting of an electric transmission line impacts the environment and natural resources as part of the Montana Major Facility Siting Act.	A reviewable project would have a significant adverse environmental, economic, social, heritage, or health effect requiring an environmental assessment.	A developer proposes a transmission project in Alberta, subject to environmental review process.	A developer proposes a transmission line project in Saskatchewan, subject to environmental review.
10	Statute or Regulation	The Montana Environmental Policy Act. (MEPA) MEPA Montana Major Facility Siting Act, 75-20-101 et seq., MFSA (MFSA) MCA	British Columbia Environmental Assessment Act [SBC 2002] Chapter 43. EAA2002 Reviewable Projects Regulation. EAARPR2004	Environmental Protection and Enhancement Act Alberta Link 2000 Chapter E-12.	The Environmental Assessment Act EAA1986
11	Regulated Activity	The Montana Environmental Policy Act (MEPA): Requiring environmental assessment or environmental impact statement to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment. 75-20-104 MFSA: MCA, Section 75-20-102. Subsection (4): Construction of additional electric transmission facilities	Section 10. Determining the need for assessment, subsection (1) The executive director by order: (a) may refer a reviewable project to the minister for a determination under section 14, EAARPR2004 (b) if the executive director considers that a reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect, taking into	Part 2, Section 40: Purpose of environmental assessment process: The purpose of the environmental assessment process is: (a) to support the goals of environmental protection and sustainable development, (b) to integrate environmental protection and economic decisions at the earliest stages of planning an activity,	Section 2(d) of The Environmental Assessment Act (the Act); Where screening suggests the potential to meet the definition of 'development' within Section 2(d) of the Act is likely, more detailed, formal assessments may be required. Projects with minor or no impacts may be screened out without incurring a detailed formal assessment. Typically, projects that have met the definition of 'development'

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	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Montana Department of Environmental Quality</i>	<i>British Columbia Environmental Assessment Office</i>	<i>Alberta Environment Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>
		<p>may be necessary to meet the increasing need for electricity, energy, and other products. Therefore, it is necessary to ensure that the location, construction, and operation of electric transmission facilities are in compliance with state law and that an electric transmission facility may not be constructed or operated within this state without a certificate of compliance acquired pursuant to this chapter.</p> <p>Facilities covered by MFSA are listed in Section 75-20-104, subsection(8), MCA. Information concerning the need for the transmission line, the proposed location, baseline data and reasonable alternate locations must be included in the application. See 75-20-211, MCA, Circular 1 and Circular 2 for details.</p>	<p>account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that:</p> <p>(i) an environmental assessment certificate is not required for the project, and</p> <p>(ii) the proponent may proceed with the project without an assessment, or</p> <p>(c) if the executive director considers that a reviewable project may have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that</p> <p>(i) an environmental assessment certificate is required for the project, and</p> <p>(ii) the proponent may not proceed with the project without an assessment.</p> <p>Subsection (2): The executive director may attach conditions he or she considers necessary to an order under subsection (1) (b).</p> <p>Subsection (3): A determination under subsection (1) (b) does not relieve the proponent from compliance with the applicable requirements pertaining to the reviewable project under other enactments.</p> <p>Table 7 Electricity Projects</p>	<p>(c) to predict the environmental, social, economic and cultural consequences of a proposed activity and to assess plans to mitigate any adverse impacts resulting from the proposed activity, and</p> <p>(d) to provide for the involvement of the public, proponents, the Government and Government agencies in the review of proposed activities.</p>	<p>within Section 2(d) of the Act have included: Industrial projects: chemical manufacturing, primary metal and forest product industries;</p> <ul style="list-style-type: none"> • Energy projects: electric transmission lines; • Mine projects: coal and mineral mines; • Water management projects: water diversions, dams; • Waste management projects: special waste facilities, local government solid and liquid waste management facilities; and • Transportation projects: large public highways, new northern roads.
12	Application Procedure/Process	<p>MEPA: For the purpose of complying with Part 2 of MEPA, an application for a permit, license, or other authorization that contains all data, studies, plans, information, forms, fees, and signatures required to be included with the application sufficient for the agency to approve the application under the applicable statutes and rules (75-1-220(3), MCA).</p> <p>MFSA: An applicant for a certificate under the Montana Major Facility Siting Act (MFSA) must file an application with the DEQ.</p>	<p>The Environmental Assessment Process explains the environmental assessment process, types of projects, the process of a review, application requirements, how the application will be reviewed, the public comment processes, and the Minister's decision. EAP1, EAP2 is a timeline of the Environmental Assessment Process.</p> <p>Environmental Assessment Office User Guide</p> <p>Applying for environmental assessment certificate</p> <p>MFSA Section 16 (1) The proponent of a reviewable project for which an environmental assessment certificate is required under section 10 (1) (c) may apply for an environmental assessment certificate by applying in writing to the executive director and paying the prescribed fee, if any, in the prescribed manner.</p> <p>(2) An application for an environmental assessment certificate must contain the information that the executive director requires.</p>	<p>Part 2, section 49: Contents of Environmental Impact Assessment report:</p> <p>An environmental impact assessment report must be prepared in accordance with the final terms of reference issued by the Director under section 48(3) and shall include the following information unless the Director provides otherwise:</p> <p>(a) a description of the proposed activity and an analysis of the need for the activity;</p> <p>(b) an analysis of the site selection procedure for the proposed activity, including a statement of the reasons why the proposed site was chosen and a consideration of alternative sites;</p> <p>EAP1 (c) an identification of existing baseline environmental conditions and areas of major concern that should be considered;</p> <p>EAP2 (d) a description of potential positive and negative environmental, social, economic and cultural impacts of the proposed activity, including cumulative, regional, temporal and spatial considerations;</p> <p>EAOUG (e) an analysis of the significance of the potential impacts identified under clause (d);</p> <p>(f) the plans that have been or will be developed to mitigate the potential negative impacts identified under clause (d);</p> <p>(g) an identification of issues related to human health that should be considered;</p> <p>(h) a consideration of the alternatives to the proposed activity, including the alternative of not proceeding with the proposed activity;</p>	<p>Proponents are encouraged to refer to guidance documents in order to conduct a self-assessment of their project to consider whether a proposal is necessary prior to contacting the EA Branch. Self-assessment assists in identifying whether a project is likely to be a development under the Act and requires EA review.</p> <p>Proponents should submit an online Application for a Ministerial Determination to the Saskatchewan Ministry of Environment, Environmental Approvals Branch (EA Branch) if the self assessment indicates that the project appears to be a development in accordance to sections 9-15 of the Environmental Assessment Act, or if there is uncertainty that the project is a development.</p> <p>The application must include:</p> <ul style="list-style-type: none"> • General information about the project and applicant and contact information, • A Technical Proposal including project details, location, socioeconomics, all inputs and outputs of resources, byproducts, alternatives, and ancillary projects, • Description of the Environment including biological environment (contact ministry's Fish and Wildlife Branch for protocols and permits required), physical environment, and human environment, • Potential Impacts and Mitigation Measures, • Monitoring Program Proposals, • Decommissioning and Reclamation,

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	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Montana Department of Environmental Quality</i>	<i>British Columbia Environmental Assessment Office</i>	<i>Alberta Environment Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>
				<p>(i) the plans that have been or will be developed to monitor environmental impacts that are predicted to occur and the plans that have been or will be developed to monitor proposed mitigation measures;</p> <p>(j) the contingency plans that have been or will be developed in order to respond to unpredicted negative impacts;</p> <p>(k) the plans that have been or will be developed for waste minimization and recycling;</p> <p>(l) the manner in which the proponent intends to implement a program of public consultation in respect of the undertaking of the proposed activity and to present the results of that program;</p> <p>(m) the plans that have been or will be developed to minimize the production or the release into the environment of substances that may have an adverse effect;</p> <p>(n) the final terms of reference issued by the Director under section 48(3);</p> <p>(o) any other information that the Director considers necessary to assess the proposed activity.</p>	<ul style="list-style-type: none"> Stakeholder Engagements, First Nations and Metis Community Consultations <p>The technical proposal includes cumulative impacts that should meet the criteria of Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012.</p> <p>After a preliminary review of the technical proposal, the EA Branch may circulate the application to other agencies for wider review before providing a recommendation to the Minister of Environment (minister). The minister considers the recommendation before providing a determination of whether or not the project is considered a development under The Environmental Assessment Act, including any terms or conditions that he/she considers necessary or advisable. After making his/her determination, the minister notifies within 10 days the applicant and any other persons considered advisable in writing of the determination and reasons for the determination.</p> <p>A proponent receiving a determination that the project is not considered a development proceeds to obtain all other regulatory permits, approvals, and licenses before implementing the project.</p> <p>A proponent receiving a determination that the project is considered a development must conduct an Environmental Impact Assessment (EIA) and submit an Environmental Impact Statement (EIS) relating to the assessment.</p> <p>Prior to undertaking the EIA, the proponent must obtain approval from the EA Branch for a Terms of Reference that will guide the conduct of the assessment and the content of the EIS. The EA Branch engages in an agency-wide review to assist in the approval of the Terms of Reference.</p> <p>The EA Branch administers an agency-wide review of the EIS and prepares Technical Review Comments that provides a summary and independent evaluation of the assessment and findings in the statement, along with any outstanding concerns of the review agencies.</p> <p>At any time prior to making his/her decision on whether or not to approve the development, the minister may appoint persons to conduct an inquire or inquiries with respect to all, or any aspects of the development, and will set the terms of reference for the inquiry. Persons appointed for the inquiry have all the powers conferred on a commission by sections 11, 15 and 25 of the Public Inquiries Act, 2013 and may engage the services of any professional or other advisors, experts, assistants or employees that they consider necessary.</p>
13	Public Notification	The MEPA Model Rules require a Record of Decision (ROD) for actions requiring an EIS (MEPA Model Rule XVIII). The ROD is a concise public notice that announces the decision, explains the reasons for the decision, and explains any special conditions	Part 25 (1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre,	Part 2, section 52: Publication of Environmental Impact Assessment report: The Director shall require the proponent to publish the environmental impact assessment report and otherwise make it	Once an EIA is about to be conducted, Section 10 of The Environmental Assessment Act requires the Minister responsible to give immediate notice to the public that the EIA is beginning. Section 11 of The Environmental Assessment Act requires the

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		<p>surrounding the decision or its implementation.</p> <p>MFSA: Certificate of compliance:</p> <p>MCA 75-2-207: Whenever a person plans to construct an electric transmission line or associated facilities under the provisions of 75-20-104(8)(a)(ii), it must provide public notice to persons residing in the area in which any portion of the electric transmission facility may be located and to the department through publication of a project summary that includes the proposed location in newspapers that will substantially inform those persons of the construction. The applicant must also mail a summary to the department. The notice must inform the property owners of their rights under this chapter concerning the location of the facility and that more information concerning their rights may be obtained from the department.</p> <p>MCA 75-20-211: The copy of the application must be accompanied by a notice specifying the date on or about which the application is to be filed. An application must also be accompanied by proof that public notice of the application was given to persons residing in the county in which any portion of the proposed facility is proposed or is alternatively proposed to be located, by publication of a summary of the application in those newspapers that will substantially inform those persons of the application.</p>	to be administered and maintained by the executive director.	available in accordance with the regulations.	<p>Minister responsible to make the EIS and the Technical Review Comments available for public inspection, indicating the locations at which the statement and Technical Review Comments may be inspected; and stating any conditions relating to the inspection that the minister considers appropriate.</p> <p>Section 12 of the Environmental Assessment Act allows any person to review the EIS and Technical Review Comments and make a written submission to the minister within 30 days from the date when the minister first gives notice of the review, or, if the minister considers it appropriate, within an additional period of 30 days.</p> <p>In accordance to Section 7 of the Environmental Assessment Act, where, in the opinion of the minister, it is the public interest or in the interest of any person, the minister may, subject to the regulations, withhold or limit production, public inspection or discovery of any information or document that relates to a development, other than information or document that relates to pollutants, public health or human safety.</p>
14	Public Involvement Requirements	<p>MEPA: Public scoping process for an environmental review is triggered by permitting or state approval process within 60 days of agency's receipt of complete application.</p> <p>Invite public participation in the determination of the scope of an EIS, provide a minimum 30 day public comment period for draft EIS and 15 day public comment period for final EIS, and include public comments and agency responses in final EIS.</p> <p>MFSA: 75-20-102 Section (6) The legislature also finds that it is the purpose of this chapter to:</p> <p>(a) ensure protection of the state's environmental resources, including but not limited to air, water, animals, plants, and soils;</p> <p>(b) ensure consideration of socioeconomic impacts;</p> <p>(c) provide citizens with the opportunity to participate in facility siting decisions; and</p> <p>(d) establish a coordinated and efficient method for the processing of all authorizations required for regulated facilities under this chapter.</p> <p>Certificate of compliance:</p> <p>MCA 75-20-223: A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board. If the department provided an opportunity for public comment on the application, the request for a hearing must be limited to those issues the party has raised in comments made to the department during the comment period.</p>	<p>First Public Comment Period: Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. Advertisements in local newspapers, radio announcements, posting information on our web site and the most recent method, having the information available in an RSS news feed.</p> <p>A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.</p>	<p>Part 1, section 14 Development of guidelines and objectives:</p> <p>Subsection (1): In order to further the protection and wise use of the environment, the Minister shall, after having complied with any applicable regulations regarding public input or, in the absence of regulations, after having engaged in any public consultation that the Minister considers appropriate, develop ambient environmental quality objectives in qualitative or quantitative terms for all or part of Alberta.</p>	<p>The proponent is asked to engage the local community in early discussions about the proposed project as the technical proposal is prepared, and continue involvement as the EIA is conducted. At an early stage in the EIA, the proponent should undertake a program of public involvement to identify issues that local residents feel should be addressed in the EIS. This program should be reflected in the TOR. Public input should be used to identify potential effects of the project to evaluate the significance of those effects and jointly plan mitigation and enhancement measures.</p> <p>Results of public involvement process should be fully documented in the EIS, along with the measures, the proponent will take to address the public's concerns. All records of public engagements are available to the public upon a freedom of information request.</p>
15	Additional Filing/Permitting Information	<p>MEPA: If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the agency and the applicant at the time</p>	Refer to Part 4 — Special Provisions for Environmental Assessment Process of the Environmental Assessment Act for additional filing and application information.	Not applicable.	The proponent is expected to list in the EIS, the required provincial and federal approvals, permits and licenses that will regulate all phases of the project if it is found to be environmentally acceptable by the minister. Regulatory advice is often provided by

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		the application is filed. MESA: The DEQ shall approve a transmission line facility as proposed or as modified or an alternative to the proposed facility if it finds and determines the need for the facility; the nature of probable environmental impacts; that the facility minimizes adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives; what part, if any, would be located underground; that the location of the proposed facility conforms to applicable state and local laws; that the facility will serve the public interest, convenience and necessity; that the DEQ has issued all necessary decisions, opinions, orders, certifications and permits; and that the use of public lands for location of the facility is evaluated and public lands are selected whenever their use is as economically practicable as the use of private lands. See 75-20-301(1), for details.			agencies during the technical review of the EIS, but proponents may wish to contact individual agencies for further clarity.
16	Timing (high-level)	The Montana Environmental Policy Act does not have any statutory timeframes for preparing MEPA documents or conducting an environmental review process. MESA: Within nine months following acceptance of an application, the DEQ must issue a report that includes the department's studies; evaluations; recommendations; customer fiscal impact analysis, if required under 69-2- 216, MCA; and other relevant documents. An Environmental Impact Statement or analysis may be included if there is compelling evidence that the facility construction and operation will have adverse environmental impacts (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123). For a facility that is unlikely to result in adverse environmental impacts, the DEQs decision must be returned in 90 days. Before issuing a decision, the DEQ will provide an opportunity for public review and comment. Certificate of compliance: MCA 75-20—207: Public notice for plans to construct an electric transmission line must be made no less than 60 days prior to the commencement of acquisition of right-of-way by publication of a summary. MCA 75-20-208: Prior to constructing a transmission line the person planning to construct the line shall provide to the department within 36 months of the date of the public notice copies of the right-of-way agreements and verification that does not include an electric transmission line with a design capacity of more than 69 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline. MCA 75-20-216: After receipt of an application, the department shall within 30 days notify the applicant in writing if the application is complete, pursuant to MCA 75-20-216 or request additional information. MCA 75-20-216: The department shall issue a decision, opinion, order, certification, or permit within 9 months following the date of acceptance of an application.	Part 4, section 24, subsection (1): The following assessment steps must be completed within the prescribed time limits: (a) the evaluation of, and decision on accepting, an application for review under section 16; (b) the review of an application under section 16; (c) the making of a decision under section 17 on an application; (d) a decision on an application for concurrent review under section 23 of one or more applications for approvals under other enactments. Subsection (2): The executive director may suspend the time limit prescribed for subsection (1) (b) if the executive director requires the proponent to provide additional information to complete the review under section 16, or if the review is delayed at the request of the proponent or because of action taken or not taken by the proponent. Subsection (3): At any time after the executive director or the minister has determined under section 11 or 14 the information required for an application, the executive director or the minister may suspend or terminate an assessment under this Act if, after being requested to provide information in an application or at any other time in the assessment, the proponent does not provide the information within the prescribed period. Subsection (4): The minister or the executive director may extend by order, with or without conditions, the time limit for doing anything under this Act, and may order an extension even if the time limit has expired.	Section 86(1) The Lieutenant Governor in Council may make regulations (a) respecting the terms and conditions on which approvals and certificates of qualification may be granted and to which they are subject; (b) prescribing the length of time for which approvals, registrations and certificates of qualification may be issued and permitting the Director to issue an approval, registration or certificate of qualification or the authorized representative of a designated organization to issue a certificate of qualification for a shorter period of time than prescribed in the regulations.	Minister approval 15(1) Where the minister is satisfied that a proponent has met all the requirements of this Act, he shall, within a reasonable time after making his decision: <ul style="list-style-type: none">• give ministerial approval to proceed with the development or may impose terms and• conditions that he considers necessary or advisable; or• refuse to approve the development.

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		MCA 75-20-301: Within 30 days after issuance of the report pursuant to 75-20-216, the department shall approve a facility as proposed or as modified or an alternative to a proposed facility. MCA 75-20-223: If a hearing is requested, the applicant may file a written election with the board within 15 days of receipt of the request for hearing, elect to have the matter proceed to hearing before the board or to have the matter submitted directly to the district court for judicial review of the agency decision.				
18	Reporting Requirements	<p>MEPA: Section 75-1-314 75-1-314. Reporting requirements. Subsection (1): The departments of environmental quality, agriculture, and natural resources and conservation shall biennially report to the council the following natural resource and environmental compliance and enforcement information:</p> <p>(a) the activities and efforts taking place to promote compliance assistance and education;</p> <p>(b) the size and description of the regulated community and the estimated proportion of that community that is in compliance;</p> <p>(c) the number, description, method of discovery, and significance of noncompliances, including those noncompliances that are pending; and</p> <p>(d) a description of how the department has addressed the noncompliances identified in subsection (1)(c) and a list of the noncompliances left unresolved.</p> <p>Subsection (2): When practical, reporting required in subsection (1) should include quantitative trend information.</p> <p>MESA: Certificate of compliance: MCA 75-20-216: within 9 months following acceptance of an application for a facility, the department shall issue a report that must contain the department's studies, evaluations, recommendations, customer fiscal impact analysis, if required pursuant to 69-2-216, and other pertinent documents resulting from its study and evaluation. An environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act may be included in the department findings if compelling evidence indicates that adverse environmental impacts are likely to result due to the construction and operation of a proposed facility.</p>		<p>Project information Centre</p> <p>Section 25(1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.</p> <p>(2) The executive director may determine</p> <p>(a) which records relating to assessments conducted under this Act are to be available to the public through the project information centre, and</p> <p>(b) in which form or format the records are to be made available.</p>	<p>State of the environment reporting</p> <p>Section 15 The Minister shall report annually on the state of the Alberta environment.</p> <p>Ministerial regulations respecting environmental monitoring programs</p> <p>Section 36.1 The Minister may make regulations respecting the establishment and operation of one or more environmental monitoring programs, including, without limitation, regulations Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA)'s mandate is provide the timely and objective monitoring, evaluation and reporting of data and information on air, land, water and biodiversity, including information necessary to understand cumulative effects, in order to better inform the understanding of the public, policy makers, regulators, planners, researchers, communities, and industry. (Note: AMERA is a nongovernmental entity who operates under the authority and mandate of the Environmental Protection and Enhancement Act.</p>	<p>A commitments register should be provided in the EIS. The commitments register outlines each commitment made to prevent or mitigate the environmental impacts of the preferred alternative and to meet any regulatory requirements. The commitments register should also include specific commitments for monitoring. Should the Minister approve the development, the proponent will update the commitments register to include all of the ministerial approval's terms and conditions. The proponent is to provide an annual report on the meeting of commitments identified in the commitments register for the amount of years specified by the minister.</p> <p>Proponents receiving a ministerial determination that a project is not a development subject to the terms and conditions, must also provide reports to the minister on how the terms and conditions are being addressed.</p>
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18A	Applicable If	A transmission line project would need permits for private entities to work in or near a stream on public or private land. This agency also regulates projects that include construction or modification that may affect the shape or form of stream banks or tributaries, projects including transmission lines that may affect floodplains, projects that	A transmission line project would have an impact on the state's fish and wildlife resources.	A transmission line project is developed on wetlands or if the development would impact fish, wildlife, and or special status species.	A transmission line project would have an impact on the province's water, wildlife, and wetlands.	A transmission line project would have an impact on the province's water, wildlife, and wetlands.

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		occur below the low water mark of navigable waters, and projects that may discharge into navigable waters.				
19	Statute or Regulation	<p>Montana Natural Streambed and Land Preservation Act (310 Permit)</p> <p>Montana Stream Protection Act (SPA 124 Permit) 310P SPA124-1</p> <p>Montana Land-use License Easement on Navigable Waters MILUENW</p> <p>Application for Proposed Work in Streams, Lakes and Wetlands</p>	<p>Title 87 Fish and Wildlife Chapter 5 Wildlife Protection. Link</p>	<p>Fish Protection Act – Section 12 Riparian Areas Regulation (RAR) and 2006 Amendment FPA1997 RAR2004</p> <p>Wildlife Act [Revised Statutes of British Columbia (RSBC) 1996] Chapter 488 FPA2006 WA1996</p>	<p>Alberta Water Act. Link</p> <p>Wildlife Act. WA2000</p> <p>Alberta Wetlands Policy. AWP2013</p> <p>Wetlands Management an Interim Policy. WM1993</p>	<p>The Wildlife Act 1998 WA1998</p> <p>The Environmental Management and Protection Act, 2002 Division 3 Permits respecting Discharges into Water and Alterations to Water Bodies EMPA2002</p>
20	Regulated Activity	<p>310 Permit: Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land. Any activity that physically alters or modifies the bed or banks of a perennially flowing stream.</p> <p>SPA 124 Permit: Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries.</p> <p>City or County Floodplain Development Permit: New development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new</p>	<p>87-5-103. Legislative intent, findings, and policy. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted The Nongame and Endangered Species Conservation Act. It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources. (2) The legislature finds and declares all of the following: (a) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems; (b) that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers;</p>	<p>This agency regulates development on wetlands and developments that may impact fish, wildlife, and or special status species.</p> <p>Riparian Areas Regulation: The purposes of this regulation is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.</p> <p>Wildlife Act Section 19, subsection (1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person: (a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or (b) to omit to do anything that the person is required to do by this Act or the regulations, subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.</p>	<p>Water Act: Approval: Section 5(1) If the Director is of the opinion that an activity, diversion of water or operation of a works requires an approval under the Environmental Protection and Enhancement Act, the Director must refer the activity, diversion of water or operation of a works for review, and may make any recommendations that the Director considers appropriate, to a Director under the Environmental Protection and Enhancement Act. Section 36(1) Subject to subsection (2), no person may commence or continue an activity except pursuant to an approval unless it is otherwise authorized under the Water Act. Certificate of completion: 40(1) Unless the requirement for a certificate of completion is waived by the Director, on completion of the activity. License: Section 37(3) The Director may deem an application for an approval to be an application for a licence Temporary Diversion License: Preliminary certificate: Section 66(1) If a person has applied for a licence, other than a licence for the temporary diversion of water, the Director may issue a preliminary certificate under section 51 to that person for the period of time stated in the preliminary certificate. Water Act FAQs The Wildlife Act Endangered Species Conservation Committee Section 6(1) The Minister shall establish and maintain a committee to be known as the "Endangered Species</p>	<p>Wildlife Act: An Act respecting the Protection of Wildlife and Wild Species at Risk and making consequential amendments to other Acts Environmental Management and Protection Act: Permit required to alter shoreline, etc. Division 3, section 36(1): Without a valid permit authorizing the activity, no person shall, directly or indirectly: (a) alter or cause to be altered the configuration of the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; (b) remove, displace or add any sand, gravel or other material from, in or to the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; or (c) remove vegetation from the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body.</p>

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	<p>construction/development, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings.</p> <p>Montana Land-use License Easement on Navigable Waters: Any entity proposing a project on lands below the low water mark of navigable waters</p> <p>Montana Water Quality Act: In compliance with Section 75-5-101 et seq., Montana Codes Annotated (MCA), Administrative Rules of Montana (ARM) 17.30.1301 et seq., and ARM 17.30.1101 et seq., owners and operators (permittees) with authorization under this "General Permit for Storm Water Discharges Associated with Construction Activity" (permit) are authorized to discharge storm water in accordance with the conditions set forth in Parts 1,2,3,4, and 5 of this permit.</p>	<p>(c) that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies. 87-5-109. Taking of species for educational, scientific, or other purposes.</p> <p>(1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.</p> <p>(2) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life.</p> <p>Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the</p>		<p>Conservation Committee", whose functions are to advise the Minister about endangered species and to make recommendations to the Minister with respect to</p> <p>(a) the preparation and the adoption by the Minister of recovery plans for endangered species,</p> <p>(b) organisms that should be established as endangered species,</p> <p>(c) endangered species and biodiversity conservation, and</p> <p>(d) any other matters respecting endangered species on which the Minister requests its advice, in accordance with this section.</p> <p>Alberta Wetlands Policy: The goal of Alberta Wetland Policy is to conserve, restore, and manage Alberta's wetlands to sustain the benefits they provide to the environment, society, and economy. To achieve this goal, the policy will focus on the following outcomes:</p> <ol style="list-style-type: none"> 1. Wetlands of the highest value are protected for the long-term benefit of all Albertans. 2. Wetlands and their benefits are conserved and restored in areas where losses have been high. 3. Wetlands are managed by avoiding, minimizing, and if necessary, replacing lost wetland value. 4. Wetland management considers regional context. <p>Where development activities have the potential to affect wetlands, the wetland policy promotes avoidance and minimization, as the preferred course of action. Where impacts cannot be avoided or minimized, and permanent wetland loss is incurred, wetland replacement is required. The amount of wetland replacement required will reflect differences in relative wetland value.</p> <p>The primary legislative basis for implementing this policy is the Water Act. There are also a number of federal, provincial, and municipal statutes and policies that regulate or guide aspects of wetlands management. This policy will not exempt a proponent from other regulatory requirements.</p>	

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			department pursuant to 87-5-105.			
21	Application Procedure/Process	<p>A person planning a project must contact the conservation district office to obtain a permit application prior to any activity in or near a perennial-flowing stream. Once an application is accepted, a team that consists of a conservation district representative; a Montana Fish, Wildlife & Parks biologist; and the applicant may conduct an onsite inspection. The team makes recommendations to the conservation district board, which has 60 days from the time the application is accepted to approve, modify, or deny the permit. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2) (310PAI)</p> <p>Any agency or unit of government planning a project must submit a Notice of Construction (application) to Montana Fish, Wildlife & Parks, which has up to 30 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. An application must be submitted for review not less than 60 days before the intended start of construction. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes</p>	<p>Biological Assessment application and instructions.</p>	<p>If the Riparian Areas Regulation applies to your development, you need to have your property assessed by a Qualified Environmental Professional. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) on your property, which represents the development setback to prevent degradation of fish habitat. Additional measures to maintain riparian fish habitat, such as sediment and erosion control, may be included in the assessment. SPEA vegetation must be left in, or allowed to return to, a natural, undisturbed state. Formal trails and landscaping may be restricted in SPEAS if they have the potential to damage vegetation and/or interfere with the ability of the riparian area to provide fish habitat.</p> <p>RAR Assessment Report Information RAR Methodology RAR Information Form 1: RAR Assessment Report Form Form 2: Information about Additional Qualified Professionals Form 3: Detailed RAR Assessment Form Form 4: Simple RAR Assessment Form Form 5: Description of Photos RAR Assessment Methods</p> <p>Wildlife Act: The Permit Regulation is the main legal tool that people can use to exercise special privileges under the Wildlife Act. Under the new Permit Regulation, two basic types of permits may be granted. You can obtain permits that authorize you to conduct specific activities, or that exempt you from having to comply with certain regulations. To apply for a permit, pick up an application from your nearest regional Fish and Wildlife manager, or Government Agent or the Front Counter BC. If your application for a permit is denied, you will be advised in writing of the reasons for the denial and of any appeal rights you may have.</p>	<p>Water Act: Approval and Licence: Section 16(1) Unless the regulations provide otherwise, the Director may not issue or amend an approval, preliminary certificate or licence or approve a transfer of an allocation of water under a licence if the Director is of the opinion that Part 2, Division 1 of the Environmental Protection and Enhancement Act, if applicable, has not been complied with. (2) Notwithstanding subsection (1), the Director may issue an approval, preliminary certificate or licence to enable a proponent to comply with Part 2, Division 1 of the Environmental Protection and Enhancement Act.</p> <p>Water Act Application Approval: Section 37(1) A person who applies for an approval must (a) make an application to the Director in a form and manner satisfactory to the Director, (b) submit the information, including but not limited to plans and specifications, required by the Director, (c) pay the required fees, and (d) provide notice of the application in accordance with Part 8.</p> <p>Section 38(1) Subject to section 34, the Director may issue or refuse to issue an approval to an applicant to commence or continue an activity. The Director (a) must consider, with respect to the applicable area of the Province, the matters and factors required pursuant to the Water Act Section 38(2).</p> <p>Certificate of completion: Section 40(1): The Certificate of completion must contain the information required by the Director, and certify that the approval holder has completed the activity in accordance with the approval.</p> <p>Wildlife Act Section 12(1) The Minister may make regulations, with respect to licences and permits, (a) establishing and specifying the activities authorized by or under them; (b) subdividing them into classes according to the prescribed criteria; (c) specifying qualifications required to obtain and hold them, including training and testing; (d) establishing conditions precedent to obtaining them; (e) providing for their distribution or allocation, including the methods of and procedures for distribution or allocation.</p>	<p>Wildlife Act Part 3, subsection 12 Application for license: Every person who wishes to obtain a license required pursuant to this Act or the regulations shall: (a) apply in the form prescribed in the regulations; (b) pay the fee prescribed in the regulations; and I provide the minister with any information that the minister requests and considers relevant to the application.</p> <p>PART V Protection of Wild Species at Risk Subsection 51(1): Subject to subsections (2) and (3), no person shall do any of the following: (a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with or attempt to do any of those things to any wild species at risk; (b) export or cause to be exported from Saskatchewan any wild species at risk; (c) traffic in any wild species at risk.</p> <p>Subsection 51(2): Subsection (1) does not apply to a person who: (a) holds a licence issued pursuant to this Act or the regulations that authorizes activities that would otherwise be prohibited; or (b) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited.</p> <p>Environmental Management and Protection Act: Applications for permits. Subsection 57(1): An applicant shall: (a) apply for a permit required pursuant to this Act or the regulations in the prescribed manner; and (b) file the application with the department. Subsection 57 (2): An applicant shall include in an application: (a) the prescribed information and material; and (b) any additional information and material requested by the minister, including any data, information or studies relating to the environment.</p>

		Montana		British Columbia	Alberta	Saskatchewan
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
		and Wetlands in Montana Application (MTJA). Instructions (MTJA-2) Montana Land-use License Easement on Navigable Waters A DNRC Land Use License or Easement Application, along with the nonrefundable application fee, must be submitted to the appropriate Land Office nearest to the project area. DNRC staff will review the application, conduct a field investigation if necessary, and file an environmental action checklist as appropriate. A written report and recommendation is then submitted to the Real Estate Management Bureau in Helena, which makes the final determination and recommends stipulations as necessary. MPDES Individual Permit Application and Instructions General Permit for Storm Water Discharges Associated With Construction Activity			(2) The rights attached to a licence or permit are subject to any terms and conditions applicable to it that may be provided by this Act or as may be endorsed by the Minister on the licence or permit. (3) A person shall not contravene any of the terms or conditions of a licence or permit. Section 13(1) Except as prescribed, the Minister may issue a licence or permit to an applicant and may (a) determine the number of licences or permits to be issued, and (b) where the number of licences or permits is to be limited, establish the manner in which they are to be allocated. (2) An applicant for a licence or permit shall furnish any information that the Minister reasonably requests to enable the Minister to determine whether the application should be granted or refused and the appropriate conditions to attach, if any.	
22	Public Notification	NPDES: A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under this permit. Through the submittal of an NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the conditions of this permit. 310 Permit: MCA 75-7-111: A person planning to engage in a project shall present written notice of	Not applicable.	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing” comes from the Administrative Procedure Act which is the general requirements for reviewing applications and making rulings.	Water Act: Approval: Section 39 An approval holder shall (a) ensure that a copy of the approval is (i) kept at the place where the activity occurs, (ii) posted or otherwise made available, as required by the Director, and (iii) produced in accordance with Part 10 of the Water Act Certificate of completion: Section 40(3) Notice of an application to amend an approval must be provided in accordance with Part 8 of the Water Act.	Saskatchewan Environmental Code, Division A – General Environmental Management and Protection A.1.1 Adoption of Standards Chapter Minister to make public Section 1-2(1) The minister shall cause the standards that are adopted pursuant to this chapter and that are established by the minister: (a) to be posted on the Internet website of the ministry; and (b) to be made public in any other manner that the minister considers appropriate. (2) With respect to the standards that are adopted pursuant to this chapter other than those mentioned in subsection (1), the minister shall cause information respecting where those standards may be

		Montana		British Columbia	Alberta	Saskatchewan
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
		<p>the proposed project to the supervisors before any portion of the project takes place.</p> <p>(2) The notice must include the location, general description, and preliminary plan of the project. At the time of filing a notice of the proposed project under subsection (1), the applicant may sign an arbitration agreement as provided in 75-7-117 (please see below).</p> <p>75-7-117: The department of natural resources and conservation, after consultation with the association of conservation districts, shall prepare an arbitration agreement for use by the conservation districts when an applicant chooses to use arbitration. The arbitration agreement must contain provisions for an arbitration hearing process, including time and place for hearing, notification, presentation of witnesses and evidence, cross-examination, subpoenas, depositions, and the issuance of the award or change of award.</p> <p>SPA 124 Permit: Apply for via the Joint Permit Application</p> <p>Joint permit application: Once a complete permit application has been received, the floodplain administrator should prepare public notice and publish at least once in a local newspaper and serve adjacent property owners notice via first class mail.</p>				<p>accessed:</p> <p>(a) to be posted on the Internet website of the ministry; and</p> <p>(b) to be made public in any other manner that the minister considers appropriate.</p>
23	Public Involvement Requirements	<p>MCA 75-7-125: (2) (a) A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under subsection (1) may petition the supervisors for a declaratory ruling.(b) If the issue raised in the petition for a declaratory ruling is</p>	Not applicable.	<p>Riparian Areas Regulation: The development of a recovery plan or water management plan must include a process for public participation.</p> <p>Not applicable for Wildlife Act or Fish Protection Act.</p>	<p>The Water Act: Approval: Section 109(1) If notice is provided any person who is directly affected by the application or proposed amendment and the approval holder may submit to the Director a written statement of concern setting out that person’s concerns with respect to the application or proposed amendment.</p> <p>Section 115(1) A notice of appeal under may be submitted to the Environmental Appeals Board by any person who issued a written</p>	<p>Wildlife: Not applicable.</p> <p>Environmental Management and Protection Act: Part II (2) For the purposes of carrying out the minister’s responsibilities, the minister may:</p> <p>(e) provide information to the public on:</p> <p>(i) the quality and use of the environment; and</p> <p>(ii) the quantity of any substances or things in the environment;</p> <p>(f) inquire into or hold, or appoint a person to conduct, public hearings or inquiries respecting:</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Montana		British Columbia	Alberta	Saskatchewan
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
		<p>of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(c) If the issue raised in the petition for a declaratory ruling is not of significant interest to the public, the supervisors shall provide a reasonable opportunity for the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(d) Data and information may be submitted at a hearing before the supervisors. Data and information submitted to the supervisors outside of the hearing process must be made available for public review prior to the hearing being conducted before the supervisors.</p> <p>310 Permit: 75-7-125: A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under 75-7-125 subsection (1) may petition the supervisors for a declaratory ruling. If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.</p>			<p>statement of concern. Section 116(3) A notice of appeal must contain the information and be made in the manner provided for in the Environmental Protection and Enhancement Act and the regulations.</p>	<p>(i) the management, use or protection of the environment; and (ii) any economic, social or other effects relevant to the environment; (5) Subject to The Freedom of Information and Protection of Privacy Act, the minister may, on request, make available to the public and to any government agency or other agency information relating to water quality in Saskatchewan.</p>
24	Additional Filing/Permitting Information	<p>Optional attachment to team member report Submit Notice of Construction (application to Montana Fish, Wildlife and Parks) A 318 authorization (formerly 3A) must be obtained from the DEQ</p>	Not applicable.	<p>Riparian Areas Regulation (RAR): Section 4, subsection (2): A local government may allow development to proceed if: (a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that: (i) if the development is implemented as proposed there will be no</p>	<p>Water Act: Approval: Part (2) The Director may require an applicant to submit any additional information including but not limited to plans and specifications the Director considers necessary within any time period required by the Director.</p>	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Montana		British Columbia	Alberta	Saskatchewan
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
		prior to initiating a short-term activity that may cause unavoidable short-term violations of state water quality standards (see WATER QUALITY PERMITTING, p. 192). The FWP may also issue 318 authorizations during the 310 or 124 permitting process.		harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or (ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, and (b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been: (i) notified of the development proposal, and (ii) provided with a copy of an assessment report prepared by a qualified environmental professional that: (A) certifies that he or she is qualified to carry out the assessment, (B) certifies that the assessment methods have been followed, and (C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the development on the natural features, functions and conditions that support fish life processes in the riparian assessment area. Section 4, subsection (3): A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal. Wildlife Act: Section 19 Permits, subsection (2): The form and conditions of the permit may be specified by the director. Subsection (3): If a regional manager issues a permit respecting the use of firearms, the regional manager may exempt a person from the requirements of section 9 of the Firearm Act and may specify the conveyance or type of conveyance for which the permit is limited. Subsection (4): The regional manager or the person authorized by the regional manager may amend the conditions of a permit as determined by him or her and issued under this section, but the amendment is not effective until the permittee has notice of it.		
25	Timing (high-level)	310 Permit 60 days Section 75-7-112: The district's authorized representative shall, within 10 working days, notify the department of the project. The department shall, within 5 working days of receipt of the notification, inform the supervisors whether the department requests an onsite inspection by a team. If an inspection is required, the	Not applicable (the joint permit with county and/or city does have timing requirements).	Not applicable.	The Water Act: Approval: Section 109(2) A statement of concern must be submitted within 7 days after the last providing of the notice. Section 111(1) If the Director issues an approval Section 116(1) A notice of appeal must be submitted to the Environmental Appeals Board not later than 7 days after receipt of notice of the Decision. License: Section 109(2) A statement of concern must be submitted within 30 days after the last providing of the notice.	Not applicable.

		Montana		British Columbia	Alberta	Saskatchewan
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
		<p>supervisors shall call a team together within 20 days and each member of the team shall recommend in writing, within 30 days of the date of inspection, denial, approval, or modification of the project to the supervisors.</p> <p>SPA 124 30 days</p> <p>A Land Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$50 application fee and a minimum annual rental fee. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days.</p> <p>MPDES General Permits</p> <p>1) Within 30 days of receiving a completed application, the DEQ will issue an authorization to operate under a general MPDES permit, or notify the applicant that the source does not qualify, citing one or more of the reasons listed in ARM 17.30.1341(4)(a-e). The public must be given notice and a 30 day comment period allowed if the source cannot qualify to operate under a general MPDES permit.</p> <p>2) If an authorization to operate under a general MPDES permit is denied, the DEQ will process the application as an individual MPDES permit, unless the application is withdrawn.</p>			Preliminary certificate or licence.	
26	Lifetime for Permit or Authorization (if applicable)	<p>Montana Land-use License Easement on Navigable Waters</p> <p>10 years – may request renewal for additional ten years</p> <p>All MPDES permits are issued for a fixed term, not to exceed five years.</p>	Not applicable.	<p>Wildlife Act: part 1, Section 59, subsection 7:</p> <p>Most permits apply for limited periods of time--usually not more than 5 years.</p>	<p>The Water Act: Part 2, section 12 Licence expiry dates</p> <p>Subsection (1): If there is an applicable approved water management plan, an order of the Minister or a water guideline that specifies what an expiry date of a licence should be or how an expiry date of a licence should be determined, the Director must determine the expiry date of the licence in accordance with that plan, order or water guideline.</p> <p>Subsection (2): Subject to subsection (3), if there is no applicable approved water management plan, order of the Minister or water guideline that specifies what an expiry date of a licence should be or how an expiry date of a licence should be determined, the Director must issue a licence with an expiry date of</p> <p>(a) 10 years,</p> <p>(b) less than 10 years if:</p> <p>(i) the applicant for the licence has applied for a licence with an</p>	Not applicable.

		Montana		British Columbia	Alberta	Saskatchewan
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Montana Department of Natural Resources and Conservation</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>British Columbia Ministry of Environment</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Saskatchewan Ministry of Environment</i>
					expiry date of less than 10 years, or (ii) in the opinion of the Director, the expected duration of the project is less than 10 years, (c) more than 10 years if the Director has considered any one or more of the criteria specified in subsection (4) The Wildlife Act: Expiry: Section 17 Unless otherwise specified on a licence or permit, the licence or permit expires on March 31 following the date of its issue.	
27	Reporting Requirements	Not applicable to all.	Not applicable.	Not applicable.	The Wildlife Act: Reporting: Section 82(1) The Minister may, by notice in writing, require a permit holder, holder of a fur farm licence or other person who owns or is in charge of permit premises or a fur farm to submit to the Minister, within the time stated in the notice, (a) a written return (i) showing in detail any information required by the notice that relates or is incidental to any operations that are or have been conducted on the permit premises or fur arm or to the wildlife or controlled animals on those premises, and (ii) containing or pertaining to any records that relate to operations or animals referred to in subclause (i) and that are sufficiently described in the notice to enable their identification, and any animal to which the return relates. (2) The Minister may, by notice in writing, require a person other than one referred to in subsection (1) to submit to the Minister, within the time stated in the notice, any records that are required to be kept by that person by or under this Act and that are sufficiently described in the notice to enable their identification. (3) A person to whom a notice is given under subsection (1) or (2) shall comply with the notice, but may comply with a notice under subsection (1)(a)(ii) or (2) by permitting any person designated by the Minister to inspect the records to which the notice relates and, on the request of that person, to take them away for further examination or copying. Alberta's Wetlands Policy: The Alberta Wetland Policy, its administration, and its effectiveness will be evaluated and reported on periodically to ensure that the goal and outcomes are being met. Performance measures will be developed and used to evaluate progress toward achieving the policy goal and outcomes. The policy and its implementation will be reviewed regularly to reflect the status of the province's wetlands, and to ensure that advances in wetland science are incorporated.	Not applicable to the Wildlife Act. Environmental Management and Protection Act: Section (5) Every order with respect to the monitoring or sampling of water or reporting respecting water that was issued pursuant to section 24 of The Environmental Management and Protection Act, as that Act existed on the day before the coming into force of this Part: (a) is continued as a permit pursuant to clause 23(1)(b) of this Act subject to the terms and conditions imposed on it; and (b) may be dealt with pursuant to this Act as if it were a permit issued pursuant to this Act

Table 9. Regulations – North Dakota, Saskatchewan, Manitoba

		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Public Service Commission, North Dakota</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>
0A	Applicable If	A person proposes to operate, construct, or site a project or transmission facility.		
1	Statute or Regulation	North Dakota Century Code Title 49 Public Utilities. ND49PU North Dakota Administrative Code 69.06. ND69.06		
2	Regulated Activity	The North Dakota Public Service Commission regulates electric utilities and transmission facility siting		
3	Application Procedure/Process	<p>Utilities must submit an application to the Commission to operate and build investor-owned utilities and to change utility rates. Applications are specific to project proposals and include:</p> <ul style="list-style-type: none"> • Certificates of Corridor Compatibility • Certificates of Site Compatibility • Filing An Informal Complaint • National Association of Regulatory Utility Commissioners • Participation and Process in Major Utility Cases • Siting of Energy Conversion and Transmission Facilities • Route Permits • Siting Applications as of 7-2-14 • Model Environmental Siting Ordinances <p>Application requirements include:</p> <ul style="list-style-type: none"> • A project description • Project need justification • Proposed project plan • Engineering and operational design • Environmental analysis • Public coordination efforts • Identification of required permits and approvals • List of factors considered • Qualification of contributors <p>The environmental analysis includes a description of resources, impact analyses, and mitigation efforts for demographics, land use, public services, human health and safety, noise, visual impacts, cultural resources, recreational resources, land-based economic effects, soils, geologic and groundwater resources, surface water and flood plain resources, wetlands, vegetation, wildlife, rare and unique natural resources, and a summary of project impacts.</p> <p>After receiving the application, the Commission determines a procedural framework. The Commission can decide to investigate, hold a technical hearing with consultation from outside experts, and/or hold a public meeting or input.</p> <p>The Commission must hold one or more public hearings on an application for a certificate or a permit in each county in which any part of the site, corridor, or route is proposed to be located. The Commission then determines whether to hold a technical or formal hearing. A public hearing must be held in each county affected by the project proposal. After the hearing, the Commission holds a public discussion and determines the outcome of the application. An initial order is then drafted and the Commission holds a formal meeting to come to a final decision. For any hydroelectric transmission facility that transmits hydroelectric power produced outside the United States, and which crosses any portion of North Dakota, there must be approval of the legislative assembly by concurrent resolution. See North Dakota Century Code 49-22-09.1. A person may not begin construction of a hydroelectric transmission facility in this state that transmits hydroelectric power produced outside the United States, or exercise the right of eminent domain in connection with such construction, without first having</p>	ND49PU ND69.06 SECTE	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Public Service Commission, North Dakota</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>
		complied with this chapter and obtained the approval of the legislative assembly.		
4	Public Notification	The Commission issues a Notice of Filing and Notice of Opportunity for Hearing when an application is filed and a Notice of Hearing when a hearing date has been set. All notices are published on the Commission's website, the local newspapers, and mailed to people who are registered on the mailing list. All Commission votes and official action are recorded and are available to the public upon request.		
5	Public Involvement Requirements	The public can file a formal or informal complaint with the Commission regarding any of the utilities that the Commission regulates. The public can write, email, attend a public hearing or meeting to make a public comment to the Commission. In larger project proposals, the Commission provides a framework for receiving public input. NDPSC1 NDPSC2		
6	Additional Filing/Permitting Information	All permit and licensing requirements in the NDCC Chapter 49 must be met for application review by the Commission. Licensing and permitting requirements are specific to the type of project proposal.		
7	Timing (high-level)	A Notice of a public hearing must be published at least 20 days prior to the hearing.		
8	Lifetime for Permit or Authorization (if applicable)	Not applicable		
9	Reporting Requirements	The Commission must submit a biannual report to the governor and the secretary of state that includes all final orders and summaries of the year's proceedings.		
		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>	<i>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch</i>
9A	Applicable If		A developer proposes a transmission line project in Saskatchewan, subject to environmental review.	A project involves transmission lines and transformer stations of 115 kV and greater, replacement of transmission lines of 230 kV and greater in existing rights of way.
10	Statute or Regulation		The Environmental Assessment Act EAA1980	The Environment Act TEA1987
11	Regulated Activity		Section 2(d) of The Environmental Assessment Act (the Act); Where screening suggests the potential to meet the definition of 'development' within Section 2(d) of the Act is likely, more detailed, formal assessments may be required. Projects with minor or no impacts may be screened out without incurring a detailed formal assessment. Typically, projects that have met the definition of 'development' within Section 2(d) of the Act have included: Industrial projects: chemical manufacturing, primary metal and forest product industries; <ul style="list-style-type: none">• Energy projects: electric transmission lines;• Mine projects: coal and mineral mines;• Water management projects: water diversions, dams;• Waste management projects: special waste facilities, local government solid and liquid waste management facilities; and Transportation projects: large public highways, new northern roads.	Intent and Purposes Section 1(1) The intent of this Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, this Act (a) is complementary to, and support for, existing and future provincial planning and policy mechanisms; (b) provides for the environmental assessment of projects which are likely to have significant effects on the environment; (c) provides for the recognition and utilization of existing effective review processes that adequately address environmental issues; (d) provides for public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers; and (e) prohibits the unauthorized release of pollutants having a significant adverse effect on the environment.
12	Application Procedure/Process		Proponents are encouraged to refer to guidance documents in order to conduct a self-assessment of their project to consider whether a proposal is necessary prior to contacting the EA Branch. Self-assessment assists in identifying whether a project is likely to be a development under the Act and requires EA review. Link EAPM EAG	To begin the process, a project proponent submits an Environment Act Proposal (EAP) to the Environmental Approvals Branch (EAB). EAPF INEA A complete Environment Act Proposal (EAP) consists of the following components: EAPRG

	North Dakota	Saskatchewan	Manitoba
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>	<i>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch</i>
		<p>Proponents should submit an online Application for a Ministerial Determination to the Saskatchewan Ministry of Environment, Environmental Approvals Branch (EA Branch) if the self assessment indicates that the project appears to be a development in accordance to sections 9-15 of the Environmental Assessment Act, or if there is uncertainty that the project is a development.</p> <p>The application must include:</p> <ul style="list-style-type: none"> • General information about the project and applicant and contact information, • A Technical Proposal including project details, location, socioeconomics, all inputs and outputs of resources, byproducts, alternatives, and ancillary projects, • Description of the Environment including biological environment (contact ministry’s Fish and Wildlife Branch for protocols and permits required), physical environment, and human environment, • Potential Impacts and Mitigation Measures, • Monitoring Program Proposals, • Decommissioning and Reclamation, • Stakeholder Engagements, • First Nations and Metis Community Consultations <p>The technical proposal includes cumulative impacts that should meet the criteria of Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012.</p> <p>After a preliminary review of the technical proposal, the EA Branch may circulate the application to other agencies for wider review before providing a recommendation to the Minister of Environment (minister). The minister considers the recommendation before providing a determination of whether or not the project is considered a development under The Environmental Assessment Act, including any terms or conditions that he/she considers necessary or advisable. After making his/her determination, the minister notifies within 10 days the applicant and any other persons considered advisable in writing of the determination and reasons for the determination.</p> <p>A proponent receiving a determination that the project is not considered a development proceeds to obtain all other regulatory permits, approvals, and licenses before implementing the project.</p> <p>A proponent receiving a determination that the project is considered a development must conduct an Environmental Impact Assessment (EIA) and submit an Environmental Impact Statement (EIS) relating to the assessment.</p> <p>Prior to undertaking the EIA, the proponent must obtain approval from the EA Branch for a Terms of Reference that will guide the conduct of the assessment and the content of the EIS. The EA Branch engages in an agency-wide review to assist in the approval of the Terms of Reference.</p> <p>The EA Branch administers an agency-wide review of the EIS and prepares Technical Review Comments that provides a summary and independent evaluation of the assessment and findings in the statement, along with any outstanding concerns of the review agencies.</p> <p>At any time prior to making his/her decision on whether or not to approve the development, the minister may appoint persons to conduct an inquire or inquiries with respect to all, or any aspects of the development, and will set the terms of reference for the inquiry. Persons appointed for the inquiry have all the powers conferred on a commission by sections 11, 15 and 25 of the Public Inquiries Act, 2013 and may engage the services of any professional or other advisors, experts, assistants or employees that they consider necessary.</p>	<ul style="list-style-type: none"> • Cover letter • Environment Act Proposal Form • Reports/plans supporting the EAP (see “Information Bulletin - Environment Act Proposal Report Guidelines” for required information and number of copies) • Application fee

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Saskatchewan Ministry of Environment- Environmental Assessment Branch</i>	<i>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch</i>
13	Public Notification		<p>Once an EIA is about to be conducted, Section 10 of The Environmental Assessment Act requires the Minister responsible to give immediate notice to the public that the EIA is beginning.</p> <p>Section 11 of The Environmental Assessment Act requires the Minister responsible to make the EIS and the Technical Review Comments available for public inspection, indicating the locations at which the statement and Technical Review Comments may be inspected; and stating any conditions relating to the inspection that the minister considers appropriate.</p> <p>Section 12 of the Environmental Assessment Act allows any person to review the EIS and Technical Review Comments and make a written submission to the minister within 30 days from the date when the minister first gives notice of the review, or, if the minister considers it appropriate, within an additional period of 30 days.</p> <p>In accordance to Section 7 of the Environmental Assessment Act, where, in the opinion of the minister, it is the public interest or in the interest of any person, the minister may, subject to the regulations, withhold or limit production, public inspection or discovery of any information or document that relates to a development, other than information or document that relates to pollutants, public health or human safety.</p>	<p>Public review: EAPs are distributed in electronic format to the on-line public registry.</p> <p>Notice</p> <p>27(4) The minister must notify the appellant about his or her decision in the prescribed manner within the following time periods:</p> <p>(a) in the case of a proposed disposition that requires approval by the Lieutenant Governor in Council under subsection (3), within 30 days after the approval is given;</p> <p>(b) In the case of any other decision in respect of a matter referred to in subsection (1), within seven days after the date of the minister’s decision.</p>
14	Public Involvement Requirements		<p>The proponent is asked to engage the local community in early discussions about the proposed project as the technical proposal is prepared, and continue involvement as the EIA is conducted. At an early stage in the EIA, the proponent should undertake a program of public involvement to identify issues that local residents feel should be addressed in the EIS. This program should be reflected in the TOR. Public input should be used to identify potential effects of the project to evaluate the significance of those effects and jointly plan mitigation and enhancement measures.</p> <p>Results of public involvement process should be fully documented in the EIS, along with the measures, the proponent will take to address the public’s concerns. All records of public engagements are available to the public upon a freedom of information request.</p>	<p>A comment period will be provided for participants to respond to notices of EAPs, EIS Guidelines, and EISs. The length of comment period varies between projects depending on the time of year, complexity, logistics, and level of interest or concern.</p> <ul style="list-style-type: none"> Public meetings to discuss information and concerns may be held. Public hearings of the Clean Environment Commission may be recommended should significant public concern and interest warrant. <p>Normally, public hearings will not be recommended until such time that the EAB is satisfied that all information pertinent for the hearing has been received, is satisfactory to the EAB and has been placed in the public registry.</p>
15	Additional Filing/Permitting Information		<p>The proponent is expected to list in the EIS, the required provincial and federal approvals, permits and licenses that will regulate all phases of the project if it is found to be environmentally acceptable by the minister. Regulatory advice is often provided by agencies during the technical review of the EIS, but proponents may wish to contact individual agencies for further clarity.</p>	<p>Not applicable.</p>
16	Timing (high-level)		<p>Minister approval</p> <p>15(1) Where the minister is satisfied that a proponent has met all the requirements of this Act, he shall, within a reasonable time after making his decision:</p> <ul style="list-style-type: none"> give ministerial approval to proceed with the development or may impose terms and conditions that he considers necessary or advisable; or refuse to approve the development. 	<p>Under the Environment Act, timing is specified by/dependent on specific regulations.</p>
18	Reporting Requirements		<p>A commitments register should be provided in the EIS. The commitments register outlines each commitment made to prevent or mitigate the environmental impacts of the preferred alternative and to meet any regulatory requirements. The commitments register should also include specific commitments for monitoring. Should the Minister approve the development, the proponent will update the commitments register to include all of the ministerial approval’s terms and conditions. The proponent is to provide an annual report on the meeting of commitments identified in the commitments register for the amount of years specified by the minister.</p> <p>Proponents receiving a ministerial determination that a project is not a development subject to the terms and conditions, must also provide reports to the minister on how the terms and conditions are being addressed.</p>	<p>Not applicable.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>North Dakota Game and Fish Department</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Manitoba Conservation and Water Stewardship</i>
18A	Applicable If		A transmission line project would have an impact on the province's water, wildlife, and wetlands.	A transmission line project would have an impact on the province's wildlife and wetlands.
19	Statute or Regulation	See US Fish and Wildlife Service Endangered Species Act.	The Wildlife Act 1998 The Environmental Management and Protection Act, 2002 Division 3 Permits respecting Discharges into Water and Alterations to Water Bodies WA1998 EMPA2002	The Endangered Species and Ecosystem Act Wetlands. ESEA1996 Link
20	Regulated Activity		Wildlife Act: An Act respecting the Protection of Wildlife and Wild Species at Risk and making consequential amendments to other Acts Environmental Management and Protection Act: Permit required to alter shoreline, etc. Division 3, section 36(1): Without a valid permit authorizing the activity, no person shall, directly or indirectly: (a) alter or cause to be altered the configuration of the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; (b) remove, displace or add any sand, gravel or other material from, in or to the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; or (c) remove vegetation from the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body.	The Wildlife Branch is responsible for the administration of The Endangered Species and Ecosystems Act. The federal government proclaimed the Species at Risk Act (SARA) in June 2003, resulting in the listing of a number of Manitoba species at the federal level. The Wildlife Branch plays the lead role in coordinating Manitoba's input into the implementation of SARA. Link
21	Application Procedure/Process		Wildlife Act Part 3, subsection 12 Application for license: Every person who wishes to obtain a license required pursuant to this Act or the regulations shall: (a) apply in the form prescribed in the regulations; (b) pay the fee prescribed in the regulations; and I provide the minister with any information that the minister requests and considers relevant to the application. PART V Protection of Wild Species at Risk Subsection 51(1): Subject to subsections (2) and (3), no person shall do any of the following: (a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with or attempt to do any of those things to any wild species at risk; (b) export or cause to be exported from Saskatchewan any wild species at risk; (c) traffic in any wild species at risk. Subsection 51(2): Subsection (1) does not apply to a person who: (a) holds a licence issued pursuant to this Act or the regulations that authorizes activities that would otherwise be prohibited; or (b) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited. Environmental Management and Protection Act: Applications for permits. Subsection 57(1): An applicant shall: (a) apply for a permit required pursuant to this Act or the regulations in the prescribed manner; and (b) file the application with the department. Subsection 57 (2): An applicant shall include in an application: (a) the prescribed information and material; and (b) any additional information and material requested by the minister, including any data,	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		North Dakota	Saskatchewan	Manitoba
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>North Dakota Game and Fish Department</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Manitoba Conservation and Water Stewardship</i>
			information or studies relating to the environment.	
22	Public Notification		<p>Saskatchewan Environmental Code, Division A – General Environmental Management and Protection</p> <p>A.1.1 Adoption of Standards Chapter</p> <p>Minister to make public</p> <p>Section 1-2(1) The minister shall cause the standards that are adopted pursuant to this chapter and that are established by the minister:</p> <p>(a) to be posted on the Internet website of the ministry; and</p> <p>(b) to be made public in any other manner that the minister considers appropriate.</p> <p>(2) With respect to the standards that are adopted pursuant to this chapter other than those mentioned in subsection (1), the minister shall cause information respecting where those standards may be accessed:</p> <p>(a) to be posted on the Internet website of the ministry; and</p> <p>(b) to be made public in any other manner that the minister considers appropriate.</p>	Not applicable.
23	Public Involvement Requirements		<p>Wildlife: Not applicable.</p> <p>Environmental Management and Protection Act:</p> <p>Part II (2) For the purposes of carrying out the minister’s responsibilities, the minister may:</p> <p>(e) provide information to the public on:</p> <p>(i) the quality and use of the environment; and</p> <p>(ii) the quantity of any substances or things in the environment;</p> <p>(f) inquire into or hold, or appoint a person to conduct, public hearings or inquiries respecting:</p> <p>(i) the management, use or protection of the environment; and</p> <p>(ii) any economic, social or other effects relevant to the environment;</p> <p>(5) Subject to The Freedom of Information and Protection of Privacy Act, the minister may, on request, make available to the public and to any government agency or other agency information relating to water quality in Saskatchewan.</p>	Not applicable.
24	Additional Filing/Permitting Information		Not applicable.	Not applicable.
25	Timing (high-level)		Not applicable.	Not applicable.
26	Lifetime for Permit or Authorization (if applicable)		Not applicable.	Not applicable.
27	Reporting Requirements		<p>Not applicable to the Wildlife Act.</p> <p>Environmental Management and Protection Act:</p> <p>Section (5) Every order with respect to the monitoring or sampling of water or reporting respecting water that was issued pursuant to section 24 of The Environmental Management and Protection Act, as that Act existed on the day before the coming into force of this Part:</p> <p>(a) is continued as a permit pursuant to clause 23(1)(b) of this Act subject to the terms and conditions imposed on it; and</p> <p>(b) may be dealt with pursuant to this Act as if it were a permit issued pursuant to this Act</p>	Not applicable.

Table 10. Regulations – Minnesota, Manitoba, Ontario

		Minnesota	Manitoba	Ontario
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Minnesota Public Utilities Commission</i>	<i>No Applicable Agency</i>	<i>Ontario Energy Board</i>
0A	Applicable If	An entity in Minnesota proposes to construct or operate a high voltage electric transmission project that is not exempt.		A public utility proposes to construct or operate an electric transmission project in Ontario.
1	Statute or Regulation	Minnesota Statute Chapter 216 A-G. 216A-G Minnesota Rules Power Plant or Line Chapter 7850. C7850 Minnesota Administrative Rules Chapter 7849. C7849		Ontario Energy Board Act, 1998. OEBA1998 Electricity Act, 1998. EA1998
2	Regulated Activity	The Minnesota Public Utilities Commission regulates electric public utilities and transmission facilities.		The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.
3	Application Procedure/Process	<p>Certificate of Need: Applicants must submit an application for a Certificate of Need that meets the criteria specified in Minnesota Statute Chapter 216B-243. Certificate of Need applications are required to contain:</p> <ul style="list-style-type: none"> • Project description • Project justification • Project construction plan and requirements • Project benefits • Project alternatives • List of applicable state, federal and local regulations, rules, and policies • List of project energy conservation improvements <p>Route Permit: A route permit may be submitted with the Certificate of Need application, though can be filed separately. The route permit application must contain at least 2 proposed routes and the information required pursuant to MAR 7850. The route permit applications must include a project notice to the Commission 90 days before filing the application, an application notice 15 days after application submission, and an environmental review. The Environmental review is an Environmental Impact Statement or Environmental Assessment prepared by the Minnesota Department of Commerce, as specified by Minnesota Statute Chapter 216E.03. The Minnesota Department of Natural Resources and other state agencies review the draft Environmental Impact Statement before the application is approved by the Commission. After conclusion of the application review process, the Commission holds a public Commission Meeting to discuss the application. A final order is published that states the Commission’s decision and decision justifications.</p>		<p>Utilities must file a License application with the Board to service or operate an electric utility. The application must include: A statement of the facts</p> <ul style="list-style-type: none"> • Grounds for the application • The relevant statutory provisions • The nature of the proposal • The Board can dismiss, approve, or hold a public hearing for the proposal. • If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences. <p>After the review process is complete, the Board issues a final order that is published and becomes available to the public.</p>
4	Public Notification	<p>Certificate of Need: Certificate of Need requires a Notice Plan pursuant to MN rules Chapter 7829. This is necessary prior to filing the formal application. The Commission is required to maintain a current public rulemaking docket with a complete list of rulemaking proceedings, as specified in Minnesota Statutes Chapter 14.366. The Commission publishes a Notice of Comment Period on their website and the public can be added to a mailing list to receive all future Notices of Comment Periods. Link</p> <p>Route Permit: At least 90 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a preapplication consultation meeting with local units of government. Within 30 days of receiving a project notice, local units of government may request the applicant to hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a</p>		The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board’s website.

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		Minnesota	Manitoba	Ontario
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Minnesota Public Utilities Commission</i>	<i>No Applicable Agency</i>	<i>Ontario Energy Board</i>
		location chosen by the local units of government. A single public meeting for which each local government unit requesting a meeting is given notice satisfies the meeting requirement of this subdivision.		
5	Public Involvement Requirements	<p>Certificate of Need: The Commission must hold at least one public hearing after the submission of a Certificate of Need application. All other agency or political parties with authority to issue permits shall provide their position regarding the application at the public hearing.</p> <p>The public can comment on an issue, file a complaint, and attend any public hearing. The public can attend and make a comment about the proposed project at all public hearings and Commission meetings.</p> <p>Route Permit: The PUC shall hold a contested case hearing after the draft environmental impact statement is prepared on all applications for a site permit or a route permit. The hearing must be conducted by an administrative law judge from the Office of Administrative Hearings pursuant to the contested case procedures of Minnesota Statutes, chapter 14. Notice of the hearing must be given in accordance with Minnesota Statutes, section 216E.03, subdivision 6. At least a portion of the hearing must be held in a county where the proposed large electric power generating plant or high voltage transmission line would be located.</p>		Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.
6	Additional Filing/Permitting Information	Not applicable.		Not applicable.
7	Timing (high-level)	<p>Certificate of Need: Within 12 months of the submission of an application, the commission shall approve or deny a certificate of need for the facility. Approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the commission. If the commission has not issued an order on the application within the 12 months provided, the commission may extend the time period upon receiving the consent of the parties or on its own motion, for good cause, by issuing an order explaining the good cause justification for extension.</p> <p>Route Permit: The commission shall make a final decision on an application within 60 days after receipt of the report of the administrative law judge. A final decision on the request for a site permit or route permit shall be made within one year after the commission's determination that an application is complete. The commission may extend this time limit for up to three months for just cause or upon agreement of the applicant.</p>		The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.
8	Lifetime for Permit or Authorization (if applicable)	All Commission orders are in force and effective 20 days after it has been filed, unless specified otherwise.		Not applicable.
9	Reporting Requirements	Not applicable.		The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board's website.
		Minnesota	Manitoba	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Minnesota Department of Commerce</i>	<i>Manitoba Conservation and Water stewardship – Environmental Approvals Branch</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>
9A	Applicable If	A power line project has a potential for significant environmental impacts, requiring the preparation of an environmental review under Chapter 7850 of Minnesota's Administrative Rules which addresses power lines.	A project involves transmission lines and transformer stations of 115 kV and greater, replacement of transmission lines of 230 kV and greater in existing rights of way.	If a developer's project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.
10	Statute or Regulation	Chapter 7850, Site or Route Permit; Power Plant or Line. C7850 Chapter 7850, Site or Route Permit; Power Plant or Line Section 3700 7850.37	The Environment Act TEA1987	Environmental Assessment Act R.S.O. 1990, CHAPTER E.18 EAA1990

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		Minnesota	Manitoba	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Minnesota Department of Commerce</i>	<i>Manitoba Conservation and Water stewardship – Environmental Approvals Branch</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>
		Environmental Assessment Preparation. C16E Chapter 216E, Route Permits for Transmission Projects.		
11	Regulated Activity	The commissioner of the Department of Commerce shall prepare an environmental assessment on each proposed large electric power generating plant and each proposed high voltage transmission line being reviewed under the alternative permitting process in parts 7850.2800 to 7850.3900. The environmental assessment must contain information on the human and environmental impacts of the proposed project and of alternative sites or routes identified by the commissioner and shall address mitigating measures for all sites or routes considered.	<p>Intent and Purposes</p> <p>Section 1(1) The intent of this Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, this Act</p> <p>(a) is complementary to, and support for, existing and future provincial planning and policy mechanisms;</p> <p>(b) provides for the environmental assessment of projects which are likely to have significant effects on the environment;</p> <p>(c) provides for the recognition and utilization of existing effective review processes that adequately address environmental issues;</p> <p>(d) provides for public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers; and</p> <p>(e) prohibits the unauthorized release of pollutants having a significant adverse effect on the environment.</p>	<p>By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it:</p> <ul style="list-style-type: none"> releases pollutants into the air, land or water stores, transports or disposes of waste <p>An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.</p>
12	Application Procedure/Process	Content of environmental assessment. The environmental assessment must include: A) a general description of the proposed facility; B) a list of any alternative sites or routes that are addressed; C) a discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment; D) a discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative site or route analyzed; E) an analysis of the feasibility of each alternative site or route considered; F) a list of permits required for the project; and G) a discussion of other matters identified in the scoping process.	<p>To begin the process, a project proponent submits an Environment Act Proposal (EAP) to the Environmental Approvals Branch (EAB).</p> <p>A complete Environment Act Proposal (EAP) consists of the following components:</p> <ul style="list-style-type: none"> Cover letter Environment Act Proposal Form Reports/plans supporting the EAP (see “Information Bulletin - Environment Act Proposal Report Guidelines” for required information and number of copies) Application fee 	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA). ECAA <p>The application for Environmental Compliance Approval can be found here ECAA. This link includes general information and instructions, application summary, and required information. It also includes the regulatory requirements.</p>
13	Public Notification	Notification of availability of environmental assessment. Upon completion of the environmental assessment, the commissioner shall publish notice in the Environmental Quality Board Monitor of the availability of the environmental assessment and mail notice of the availability of the document to those persons on the project contact list. The commissioner shall provide a copy of the environmental assessment to any public agency with authority to permit or approve the proposed project. The commissioner shall post the environmental assessment on the agency’s Web page, if possible.	<p>Public review: EAPs are distributed in electronic format to the on-line public registry.</p> <p>Notice</p> <p>27(4) The minister must notify the appellant about his or her decision in the prescribed manner within the following time periods:</p> <p>(a) in the case of a proposed disposition that requires approval by the Lieutenant Governor in Council under subsection (3), within 30 days after the approval is given;</p> <p>(b) In the case of any other decision in respect of a matter referred to in subsection (1), within seven days after the date of the minister’s decision.</p>	<p>Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual environmental assessment pursuant to Declaration Orders.</p>
14	Public Involvement Requirements	Scoping process. The commissioner of the Department of Commerce shall provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments. The public meeting required under part 7850.3500 satisfies the requirement to hold a scoping meeting. The commissioner shall mail notice of the meeting to those persons on either the general list or the project contact list at least ten days before the meeting. The commissioner shall provide at least seven days from the day of the public meeting for the public to submit comments regarding the scope of the environmental assessment. Scoping decision. The commissioner of the Department of Commerce shall determine the	<p>A comment period will be provided for participants to respond to notices of EAPs, EIS Guidelines, and EISs. The length of comment period varies between projects depending on the time of year, complexity, logistics, and level of interest or concern.</p> <ul style="list-style-type: none"> Public meetings to discuss information and concerns may be held. Public hearings of the Clean Environment Commission may be recommended should significant public concern and interest warrant. <p>Normally, public hearings will not be recommended until such time that the EAB is satisfied that all information pertinent for the hearing has been received, is satisfactory to the EAB and has been placed in the public registry.</p>	<p>Public Notice of Submission</p> <p>Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3.</p> <p>Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3.</p> <p>Comments</p>

		Minnesota	Manitoba	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Minnesota Department of Commerce</i>	<i>Manitoba Conservation and Water stewardship – Environmental Approvals Branch</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>
		scope of the environmental assessment within ten days after close of the public comment period and shall mail notice of the scoping decision to those persons on the project contact list within five days after the decision. Once the commissioner has determined the scope of the environmental assessment, the scope shall not be changed except upon a decision by the commissioner that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The commissioner shall also determine as part of the scoping process a reasonable schedule for completion of the environmental assessment.		Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent's application, shall submit the comments by the prescribed deadline.
15	Additional Filing/Permitting Information	An environmental assessment must be the only state environmental review document required to be prepared by the commissioner of the Department of Commerce on a project qualifying for review under the alternative review process.	Not applicable.	Guide to EA for Electricity Projects GEAREP
16	Timing (high-level)	Time frame for completion of environmental assessment. The commissioner of the Department of Commerce shall complete the environmental assessment in accordance with the schedule established during the scoping process. In establishing the schedule for completion of the environmental assessment, the commissioner shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, the status of other proceedings affecting the project, and the interests of the public, the applicant, and the commissioner.	Under the Environment Act, timing is specified by/dependent on specific regulations.	<p>Guide to Applying for an Environmental Compliance Approval Figure 1: Application Review Stages (p. 13)</p> <p>This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event.</p> <p>Application Intake Process</p> <p>"Your application should be submitted as soon as possible as the ministry's review time will depend on several factors:</p> <ul style="list-style-type: none"> • the quality of the application • the complexity of the proposal • the associated documentation concerns of the District Office or Ministry supplementary reviewers." <p>Environmental Assessment Act, Part II Environmental Assessments Application for Approval</p> <p>Deadline</p> <p>Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.</p> <p>Ministry Review</p> <p>Completion Date</p> <p>Section 7(2) The review must be completed by the prescribed deadline.</p> <p>Same</p> <p>Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.</p> <p>Environmental Assessment Act, Ontario Regulation 616/98, Deadlines [This file provides an entire table of deadlines]</p>
18	Reporting Requirements	Not applicable.	Not applicable.	<p>Decision by Minister</p> <p>Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,</p> <p>(a) give approval to proceed with the undertaking;</p> <p>(b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,</p> <p>(i) the methods and phasing of the carrying out of the undertaking,</p> <p>(ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the</p>

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		Minnesota		Manitoba	Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>		<i>Minnesota Department of Commerce</i>		<i>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	
					environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or (c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.	
		Minnesota		Manitoba	Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
18A	Applicable If	A transmission line project would have an impact on the waters of Minnesota.	A transmission line project would have an impact on the state's water, wildlife, and wetlands. Additionally the agency requires a license for the installation of an electricity project.	A transmission line project would have an impact on the province's wildlife and wetlands.	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.
19	Statute or Regulation	Chapter 7001, Permits and Certifications. c7001PG	Endangered Species Permits Minnesota's endangered species law (MS 84.0895) and associated rules (Chapter 6212.1800, 6212.2300 and 6134) impose a variety of restrictions, a permit program, and several exemptions pertaining to species designated as endangered or threatened. ESP Current list of endangered, threatened, and special concern species 6212.18 84.415 6135UC C103G Part 6212.1800 General Restrictions for Permits to Possess Threatened and Endangered Species. 103G.245 Link Chapter 84.415 Utility Licenses, Permits. Chapter 6135, Utility Crossings. Chapter 103G. Waters of the State Section 103G.245 Work in Public Waters.	The Endangered Species and Ecosystem Act Wetlands.	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act WRA2011 Ontario Regulation 166/06 TRCA Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses EBR1993	Endangered Species Act ESA2007 Provincial Policy Statement
20	Regulated Activity	7001.0030 PERMIT REQUIRED. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a Link1 Link2	Endangered Species Permits: The law and rules prohibit taking, purchasing, importing, possessing, transporting, or selling endangered or threatened plant or animal, including their parts or seeds, without a permit. Permits may be issued for taking only under certain conditions: for scientific study, for educational programs, to enhance	The Wildlife Branch is responsible for the administration of The Endangered Species and Ecosystems Act. The federal government proclaimed the Species at Risk Act (SARA) in June 2003, resulting in the listing of a number of Manitoba species at the federal level. The Wildlife Branch plays the lead role in coordinating Manitoba's input into the implementation of SARA.	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. Link RSP 1990, Part 2.1, subsection 20.2(1) Application for approval A person may apply to the Director for approval to engage in an activity mentioned	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions:

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		<p>permit is required by statute or rule until the agency has issued a written permit for the facility or activity.</p> <p>MPCA water quality permits establish specific limits and requirements to protect Minnesota's surface and groundwater quality for a variety of uses, including drinking water, fishing and recreation. Permits are regularly reviewed and updated as they expire, allowing the MPCA to incorporate new information about the impacts of pollutants to the environment in subsequent permits. Permits are enforced through a combination of self-reporting (reports to the MPCA, U.S. EPA or both) and compliance monitoring.</p> <p>While the MPCA is not the primary agency processing wetland permits, the agency does review them after other appropriate environmental agencies. If you plan to conduct activities that may impact wetlands, visit the Minnesota Board of Water and Soil Resources (Link1) Web site.</p> <p>If you are applying for permits involving the management of stormwater or run-off, either from a construction project or Municipal (MS4) Stormwater, or interested in the Industrial Stormwater Multi-Sector General Permit, visit the stormwater page (Link2) on the MPCA Web site.</p>	<p>propagation or survival of the species, to prevent injury to people or property, or when the social and economic benefit of the taking outweigh the harm caused by it.</p> <p>Part 84.415 UTILITY LICENSES, PERMITS.</p> <p>Utility licenses are generally required for the installation of electrical projects.</p> <p>"A utility license for crossing public lands or public waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road."</p> <ul style="list-style-type: none"> The new law applies to both land and water crossing licenses. <p>The application has been revised to reflect the law changes.</p> <p>Section 6135.1000 PROTECTING THE ENVIRONMENT</p> <p>It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Subdivision 1. Permit requirement. Except as provided in subdivisions 2, 11, and 12, the state, a political subdivision of the state, a public or private corporation, or a person must have a public waterworks permit to:</p> <p>(1) construct, reconstruct, remove, abandon, transfer ownership of, or make any change in a reservoir, dam, or waterway obstruction on public waters; or</p> <p>(2) change or diminish the course, current, or cross section of public waters, entirely or partially within the state, by any means, including filling, excavating, or placing of materials in or on the beds of public waters.</p>		<p>in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).</p>	<ul style="list-style-type: none"> killing harming harassing capturing taking possessing transporting collecting buying selling leasing trading offering to buy, sell, lease or trade <p>If the activity you are planning might affect species at risk then you may need a permit.</p>
21	Application Procedure/Process	<p>Section 7001.0050 WRITTEN APPLICATION.</p> <p>A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a</p>	<p>Endangered Species Permit application</p> <p>For species to be taken from the wild in Minnesota, the applicant must document the following.</p> <ul style="list-style-type: none"> the justification for the taking, 	Not applicable.	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental 	<p>In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise</p>

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	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		<p>written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied.</p> <p>To apply for a water quality permit, look through the following list of instructions and forms to select those appropriate for your project.</p> <p>Water Quality Permit Application Environmental Review Prescreening Form</p>	<p>location, species, number of individuals to be taken or possessed</p> <ul style="list-style-type: none"> that there are no feasible alternatives to the taking provide assurance that the taking will not negatively affect the species' status in Minnesota <p>Permit requests must be submitted in writing to: Minnesota Department of Natural Resources Attn. Endangered Species Permits 500 Lafayette Rd., Box 25 St. Paul, MN 55155</p> <p>84.415 UTILITY LICENSES, PERMITS. Subdivision. 3. Application, form: The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right-of-way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as the commissioner deems necessary to protect the public health and safety.</p> <p>CHAPTER 6135, UTILITY CROSSINGS Subdivision. 3. Application, form: Subp. 2. Application content. For each environmental standard listed in these parts, the applicant shall indicate whether the applicant is satisfying the standard, where applicable, or if not, why not. In dealing with route design standards, the application must, where applicable, also supply data on relevant site conditions. Except when the commissioner determines that it is not feasible and prudent, or</p>		<p>Compliance Approval (ECA) Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water</p>	<p>not be allowed, with conditions that are aimed at protecting and recovering species at risk.</p> <p>Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met.</p> <p>Agreements Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.</p> <p>Regulatory exemption A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption.</p> <p>There are 5 types of permits issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> health or safety protection or recovery social or economic benefit to Ontario Aboriginal overall benefit

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			<p>not in the best interests of the environment, the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Subd. 3. Permit application. Application for a public waters work permit must be in writing to the commissioner on forms prescribed by the commissioner. The commissioner may issue a state general permit to a governmental subdivision or to the general public under which more than one project may be conducted under a single permit.</p>			
22	Public Notification	<p>Section 7001.1440 PUBLIC NOTICE OF APPLICATION AND PRELIMINARY DETERMINATION.</p> <p>Subpart 1. Public notice required. Except as provided in subpart 2, the commissioner shall prepare and issue public notices in accordance with the requirements of part 7001.0100, subpart 4, except that the public comment period shall be established by the commissioner on a case-by-case basis after considering the scope, nature, and potential impacts on water quality of the project. In no event shall the public comment period be less than ten days.</p>	<p>CHAPTER 6135, UTILITY CROSSINGS and Endangered Species Permit: Not applicable.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.</p>	Not applicable.	<p>Public participation in statement</p> <p>Section 8. (1) After the draft ministry statement of environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1).</p> <p>Means of giving notice</p> <p>Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2).</p> <p>Contents of notice</p> <p>Section (3) Notice given under this section in the registry shall include the following:</p> <ol style="list-style-type: none"> 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement. 3. A statement of when the minister expects to finalize the statement. 4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice. 5. A description of any additional rights of participation in the development of the statement that the minister considers appropriate. 6. An address to which members of the 	<p>Habitat regulations</p> <p>Section 56. (1) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species, the Minister shall, not later than the date described in subsection (2),</p> <ol style="list-style-type: none"> (a) give notice to the public under section 16 of the Environmental Bill of Rights, 1993 of a proposal to make a regulation under clause 55 (1) (a) that would prescribe an area as the habitat of the species; (b) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that additional time is required to prepare a proposal to make a regulation described in clause (a), (ii) sets out the Minister's reasons for the opinion referred to in sub clause (i), and (iii) provides an estimate of when notice of a proposal to make a regulation described in clause (a) will be given to the public under section 16 of the Environmental Bill of Rights, 1993; or (c) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that no regulation under clause 55 (1) (a) is required with respect to the species because, (A) the only locations in Ontario where the species is known to live in the wild are on

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					public may direct, i. written comments on the draft statement, ii. written questions about the draft statement, and iii. written questions about the rights of members of the public to participate in developing the statement. 7. Any information prescribed by the regulations under this Act. 8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3).	federal land within the meaning of the Species at Risk Act (Canada), (B) pursuant to a regulation made under clause 55 (1) (b), clause 10 (1) (a) has no application to the species, or (C) other circumstances prescribed by the regulations exist, and (ii) sets out the reasons for the Minister's opinion referred to in sub clause (i). 2007, c. 6, s. 56 (1).
23	Public Involvement Requirements	Chapter 7001.0110 PUBLIC COMMENTS. Subpart 1. Submission of written comments. During the public comment period established in the public notice of an agency permit, an interested person, including the applicant, may submit written comments on the application or on the draft permit. If the subject of the draft permit and public notice is the modification of a permit, these comments must be limited to the portion of the permit proposed to be modified. During the public comment period, the person may also submit a petition for a public informational meeting or a contested case hearing on the application. Petitions for an informational meeting must meet the requirements of part 7000.0650, subpart 4. Petitions for a contested case hearing must meet the requirements of part 7000.1800. Subp. 3. Public informational meeting. If a person requests a public informational meeting, the comments must include the items listed in subpart 2 and a statement of the reasons the person desires the agency to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting. Subp. 4. Extension of comment period. The public comment period may be extended by the commissioner if the commissioner finds an extension of time is necessary to facilitate additional public comment. Comments submitted in writing by interested persons or the applicant during the public comment period must be retained and considered in the formulation of final determinations concerning the permit application.	CHAPTER 6135, Utility Crossings and Endangered Species Permit: Not applicable CHAPTER 103G. Waters of the State Subd. 8. Public comment period. Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 15 days or more, as determined by the local government unit.	Not applicable.	ECA's are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.	Information for public Section 51. The Minister shall ensure that the following information is made available to the public: 1. General information about this Act and the regulations. 2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements entered into under sections 16 and 19 and permits issued under sections 17 and 19. 7. General information about the enforcement of this Act. 2007, c. 6, s. 51.
24	Additional Filing/Permitting Information	While the MPCA is not the primary agency processing wetland permits, the agency does review them after other appropriate	Endangered Species Permit: Development Projects When taking is proposed in	Not applicable.	For additional filing and permitting information regarding environmental reviews, please refer	Not applicable.

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RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	
	<p>environmental agencies. If you plan to conduct activities that may impact wetlands, visit the Minnesota Board of Water and Soil Resources Web site.</p>	<p>connection with a development project, the request can be in the form of a letter that outlines the following.</p> <ul style="list-style-type: none"> • nature of the project • location • species and number of individuals that would be taken <p>Before a permit can be issued, the project proposer is asked to explore project alternatives, including other locations or designs, which would avoid or minimize taking.</p> <p>Chapter 84.415 UTILITY LICENSES, PERMITS.</p> <p>Subdivision. 7. Existing road right-of-way; fee exemption.</p> <p>A utility license for crossing public lands or public waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road.</p> <p>CHAPTER 6135, UTILITY CROSSINGS</p> <p>Section 6135.1600 RELATIONSHIP TO OTHER LAWS.</p> <p>There are other Minnesota and federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the parts included herein will be subordinated to any law, rule, or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:</p> <p>A. federal and state wild, scenic, and recreational rivers;</p> <p>B. the Minnesota Environmental Protection Act; and</p> <p>C. natural and scientific areas.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Section 103G.127 PERMIT PROGRAM UNDER SECTION 404 OF FEDERAL CLEAN WATER ACT.</p> <p>Notwithstanding any other law to the contrary, the commissioner,</p>			<p>to the Environmental Bill of Rights Guide.</p>	

		Minnesota		Manitoba	Ontario	
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			with the concurrence of the Board of Water and Soil Resources and the commissioner of agriculture, may adopt rules establishing a permit program for regulating the discharge of dredged and fill material into the waters of the state as necessary to obtain approval from the United States Environmental Protection Agency to administer the permit program under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules may not be more restrictive than the program under section 404, or state law, if it is more restrictive than the federal program.			
25	Timing (high-level)	<p>Changes to Minn. Stat. 116.03, Subd. 2b. enacted on March 3, 2011, set a goal for the MPCA to issue or deny a permit within 150 days of receipt of a complete application. To achieve that goal, beginning July 1, 2011, the MPCA will review permit applications for completeness within 30 business days of application receipt and notify the applicant of whether or not the application is complete enough for processing. If the permit application is incomplete, the MPCA will identify where deficiencies exist and advise the applicant on how they can be remedied.</p> <p>If the MPCA fails to notify the project proposer within 30 business days, the application is deemed to be substantially complete.</p> <p>Chapter 7001.0040 APPLICATION DEADLINES.</p> <p>Subpart 1. Application for new permit. Except as otherwise required by parts 7001.0530 and 7001.1040 or chapter 7090, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.</p> <p>Subp. 2. Modification or revocation and reissuance of existing permits. If a permit has been issued by the agency, the person holding the permit may file with the agency, at any time, a written application for modification of the permit or for revocation and reissuance of the permit; except that if</p>	<p>CHAPTER 6135, UTILITY CROSSINGS and Endangered Species Permit: Not applicable</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>03G.305 TIME LIMIT TO ACT ON WATER USE PERMIT APPLICATION.</p> <p>Subdivision 1. General 150-day limit. (a) Except as provided in subdivision 2, the commissioner must act on a water use permit within 150 days after the completed application for the permit has been submitted. Within 30 business days of application for a water use permit, the commissioner shall notify the applicant, in writing, whether the application is complete or incomplete.</p>	Not applicable.	Not applicable.	Not applicable.

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		the reason for the application is the adoption by a federal agency of a new or amended pollution standard, limitation, or effluent guideline the permittee shall file an application within the time for filing specified by the federal agency as a part of the notice of adoption published in the Federal Register. Subp. 3. Reissuance of existing permits. If a permit has been issued by the agency and the person holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the person shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit.				
26	Lifetime for Permit or Authorization (if applicable)	7001.0150 TERMS AND CONDITIONS OF PERMITS. Subpart 1. Term of permit. Unless specifically otherwise provided by statute or rule, an agency permit is issued for a term not to exceed five years.	Endangered Species Permits. Subp. 8. Expiration, cancellation, and revocation of threatened and endangered permits. All permits issued as provided by parts 6212.1800 to 6212.2300 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed. CHAPTER 6135, UTILITY CROSSINGS Subp. 4. Option for 25-year license. An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts 6135.0520 to 6135.0820. Subp. 5. Renewal of license. At the end of the license period if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the commissioner or a successor.	Not applicable.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.
27	Reporting Requirements	Requirements for monitoring and testing and reporting of monitoring and testing results. Monitoring and testing requirements must specify the type, interval, and frequency of monitoring and testing activities that are sufficient to yield representative data to determine whether there is compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. As appropriate, the permit must contain requirements for the proper use, maintenance, and installation of monitoring and testing equipment or methods. The	Endangered Species Permit: Subp. 6. Reports. Before January 31 of each year, each permittee who has taken any endangered or threatened species or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.	Not applicable.	Restoration plans Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1). Restoration plans: purposes (2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for, (a) the prevention, diminution or elimination of the harm;	Not applicable.

	Minnesota		Manitoba	Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
	<p>permit must require the permittee to keep accurate records of monitoring and testing activities and to submit to the commissioner periodic reports of monitoring results required by the permit and, as requested by the commissioner, the results of other monitoring and testing undertaken by the permittee that are related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. Reporting of monitoring results must contain the certification in part 7001.0070.</p>	<p>Utility License, Permit:</p> <p>Subd. 6. Supplemental application fee and monitoring fee. (a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees:</p> <p>(1) a supplemental application fee of \$1,750 for a public water crossing license and a supplemental application fee of \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license; and</p> <p>(2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Work In Public Waters:</p> <p>Subd. 7. Effect on environment and mitigation.</p> <p>(a) A public waters work permit may be issued only if the project will involve a minimum encroachment, change, or damage to the environment, particularly the ecology of the waterway.</p> <p>(b) If a major change in the resource is justified, public waters work permits must include provisions to compensate for the detrimental aspects of the change.</p>		<p>(b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and</p> <p>(c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95</p>	

Table 11. Regulations – Michigan, Ontario

		Michigan	Ontario
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	Michigan Public Service Commission	Ontario Energy Board
0A	Applicable If	An electric utility proposes to construct or operate a transmission project in Michigan.	A public utility proposes to construct or operate an electric transmission project in Ontario.
1	Statute or Regulation	Michigan Legislation Chapter 460 Public Utilities. Michigan Electric Standards Certification Act.	Ontario Energy Board Act, 1998. Electricity Act, 1998.
2	Regulated Activity	The Michigan Public Service Commission regulates electric utilities.	The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.
3	Application Procedure/Process	<p>Utilities who wish to construct a utility facility must provide a construction plan to the Commission and hold public meetings in each municipality that would be affected by the project proposal. The Commission encourages that the applicant write to the chief elective official from each municipality to offer a meeting to discuss the project proposal 60 days before the public meetings. Following the public meetings, the utility must submit an application for a certificate of necessity. A certificate application must contain:</p> <ul style="list-style-type: none"> • A detailed description of the proposed project • Dates the construction is planned to begin • Description and evaluation of at least one alternative project proposal • A description of any zoning ordinances the project proposal would violate • The total estimated cost of the project • Project justification • Estimated public and private benefits • Public health and safety effects analysis and proof of compliance for all public health and safety requirements • A summary of all public meetings and comments and proof of necessary consent • Summary of deferral environmental standards, laws, and rules compliance <p>The Commission must conduct a public proceeding where all members of the public are able to participate and comment. Parties interested in participating in the public hearing must receive intervener status. After the public hearing, the Commission holds a public Commission Meeting to discuss their decision. The Commission will then issue an order of their decision.</p>	<p>Utilities must file a License application with the Board to service or operate an electric utility. The application must include:</p> <ul style="list-style-type: none"> • A statement of the facts • Grounds for the application • The relevant statutory provisions • The nature of the proposal <p>The Board can dismiss, approve, or hold a public hearing for the proposal.</p> <p>If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences.</p> <p>After the review process is complete, the Board issues a final order that is published and becomes available to the public.</p>
4	Public Notification	All Commission orders, Notices of Opportunity to Comment, Notice of Hearings, applications, legislative testimony and documents filed at the public hearing, and Commission Meeting dates are public and published on the Commission’s website. Utilities must publish a public notice to comment on the certificate application in local newspapers.	The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board’s website.
5	Public Involvement Requirements	Utilities are required to hold public meeting in all municipalities affected by the project proposal before applying for a certificate from the Commission. Once the Commission receives the application for certificate, all affected municipality and landowners can act as interveners in the Commission’s public hearing without apply.	Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.
6	Additional Filing/Permitting Information	All investor-owned electric utilities must join a FERC approved multistate independent transmission organization or divest its interests.	Not applicable.
7	Timing (high-level)	The Commission must approve or deny a certificate application within one year after the application was filed. The Commission must issue an order approving or denying a certificate of necessity application within 270 days from the date the application was filed.	The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
9	Reporting Requirements	Utilities must file an annual report, or a more frequent report if the Commission so chooses, to the Commission on the status of the project for which the certificate of necessity was approved.	The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board’s website.
		Michigan	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Michigan Department of Natural Resources <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch
9A	Applicable If		If a developer’s project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.
10	Statute or Regulation		Environmental Assessment Act R.S.O. 1990, CHAPTER E.18
11	Regulated Activity		By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it: <ul style="list-style-type: none"> • releases pollutants into the air, land or water

		Michigan	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Michigan Department of Natural Resources <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch
			<ul style="list-style-type: none"> stores, transports or disposes of waste <p>An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.</p>
12	Application Procedure/Process		<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA). <p>The application for Environmental Compliance Approval can be found here (ECAA). This link includes general information and instructions, application summary, and required information. It also includes the regulatory requirements.</p>
13	Public Notification		Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual environmental assessment pursuant to Declaration Orders.
14	Public Involvement Requirements		<p>Public Notice of Submission</p> <p>Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3.</p> <p>Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3.</p> <p>Comments</p> <p>Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent’s application, shall submit the comments by the prescribed deadline.</p>
15	Additional Filing/Permitting Information		Guide to EA for Electricity Projects
16	Timing (high-level)		<p>Guide to Applying for an Environmental Compliance Approval</p> <p>Figure 1: Application Review Stages (p. 13)</p> <p>This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event.</p> <p>Application Intake Process</p> <p>“Your application should be submitted as soon as possible as the ministry’s review time will depend on several factors:</p> <ul style="list-style-type: none"> the quality of the application the complexity of the proposal the associated documentation concerns of the District Office or Ministry supplementary reviewers.” <p>Environmental Assessment Act, Part II Environmental Assessments</p> <p>Application for Approval</p> <p>Deadline</p> <p>Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.</p> <p>Ministry Review</p> <p>Completion Date</p> <p>Section 7(2) The review must be completed by the prescribed deadline.</p> <p>Same</p> <p>Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.</p> <p>Environmental Assessment Act, Ontario Regulation 616/98, Deadlines</p> <p>[This file provides an entire table of deadlines]</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Michigan		Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Michigan Department of Natural Resources <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>		Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch	
18	Reporting Requirements			Decision by Minister Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may, (a) give approval to proceed with the undertaking; (b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying, (i) the methods and phasing of the carrying out of the undertaking, (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or (c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.	
		Michigan		Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	Michigan Department of Environmental Quality	Michigan Department of Natural Resources	Ontario Ministry of the Environment and Climate Change	Ontario Minister of Natural Resources and Forestry
18A	Applicable If	A transmission line project would have an impact on wetlands and waterbodies.	A transmission line project would have an impact on rare fish, wildlife, and plants.	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.
19	Statute or Regulation	MDEQ/USACE Joint Permit Application & Applicable Regulations that require Joint Permit.	Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act (Act 451 of the Michigan Public Acts of 1994) Environment Administrative Procedures Act of 1969 (EXCERPT)	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act Ontario Regulation 166/06 Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses	Endangered Species Act Provincial Policy Statement
20	Regulated Activity	The MDEQ/USACE "Joint Permit Application" (JPA) package covers permit requirements pursuant to state and federal rules and regulations for construction activities where the land meets the water including wetlands, often referred to as the land/water interface. It is intended to prevent duplication of state and federal regulations. The application covers activities on or for: <ul style="list-style-type: none"> Wetlands - Floodplains - Marinas - Dams - Inland Lakes and Streams Great Lakes Bottom Lands - Critical Dunes - High Risk Erosion Areas Permit Categories Permit Guides Utility Permit Guide NPDES permits are issued in collaboration with the Army Corp of Engineers and are required for projects that are expected to disturbed one or more acres of land and have	The DNR Wildlife Division and Department of Environmental Quality (DEQ) worked with businesses and citizens on a project-by-project basis to minimize harm to rare fish, wildlife and plants. This cooperative program balanced environmental concerns and economic development goals. The Department of Natural Resources is responsible for issuing Wetland permits, Endangered Species Protection Permits, Lease or land concessions to any public lands under its jurisdiction, and Permits for use of state parks.	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. RSP 1990, Part 2.1, subsection 20.2(1) Application for approval A person may apply to the Director for approval to engage in an activity mentioned in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions: <ul style="list-style-type: none"> killing harming harassing capturing taking possessing transporting collecting buying selling leasing trading

		Michigan		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		<p>a point source discharge of storm water to state waters. NPDES permits are required under Section 402 of the Federal Water Pollution Control Act (the “Federal Act,” 33 U.S.C. 1251 <i>et seq.</i>, as amended, P.L. 92-500, 95-217); and Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (the NREPA). Part 31 of the NREPA also provides authority for the State to issue NPDES permits. The Michigan Department of Environmental Quality (DEQ) administers the NPDES permit program for the State of Michigan.</p> <p>The Department is responsible for issuing a Soil erosion permit, under NREPA Part 91 for proposed project construction is expected to disturb one or more acres of land. Counties have the primary responsibility for issuing permits.</p> <p>A License under Michigan Public Health Code PA 368 is required if the proposed project is expected to affect a state camp ground.</p>			<ul style="list-style-type: none"> offering to buy, sell, lease or trade <p>If the activity you are planning might affect species at risk then you may need a permit.</p>
21	Application Procedure/Process	<p>Joint Permit Application</p> <p>NPDES permits: The information in this Application is required by Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA.</p> <p>NPDES Permit</p> <p>The Department will review the submitted application for completeness. If the Department requires additional information or clarification, staff will inform the applicant. The applicant must meet the antidegradation Requirements pursuant to Rule 323.1098 for the application to be considered. If the application has been determined to be complete and the Antidegradation requirements have been satisfied, the permit writer will then proceed to develop the requested NPDES permit.</p> <p>The Department will need to develop a permit which complies with all State and Federal Standards during the application review process. Once the Surface Water Permits Section develops a draft NPDES permit and all the associated documentation, the applicant will be given an opportunity to review the draft prior to the permit being placed on Public Notice.</p> <p>After the permit has completed its public notice requirement, the Department will evaluate all concerns and comments received during the public notice period. The proposed permit is prepared based on comments from the public comment period.</p>	<p>Application for Endangered Species Permit.</p> <p>Wetland permit – 30307: The Department can pursue an agreement with the U.S. Army Corp of Engineers for the permits under 22 USC 1344 section 404. The department has 30 days to approve or deny a permit application after the corps grants or denies the application. Applications must contain information pursuant to the NRERA section 324.30306, including an environmental assessment if requested by the department.</p> <p>Endangered Species Protection - Permit Application. The application must be completed pursuant to Part 365 of the Endangered Species Protection of the Natural Resource and Environmental Protection Act (Act 451).</p> <p>Lease or grant concessions:</p> <p>After a Department receives application for a permit and the associated fee, the department determines if the application is administratively complete within 30 days or the application is considered complete. If the application is not complete, the Department will request the applicant for more information. If the application is complete, the Department will review the application and can extend the review period no more than 120 days. The review period is dependent on the permit. The Department can chose to hold a public hearing in the affected county or is required to hold a public hearing if a person requests it within 20 days of publication of the notice of application. Once the application review process is complete, the Department will provide any local government agencies, if applicable, for review. The local unit of government shall review the application pursuant to its ordinance and shall modify, approve, or deny the application within 90 days after receipt. The Department will then make a final rule and publish the final rule for public review before submitting the rule to the Secretary.</p>	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA) <p>Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water</p>	<p>In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk.</p> <p>Permits</p> <p>A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met.</p> <p>Agreements</p> <p>Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.</p> <p>Regulatory exemption</p> <p>A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption.</p> <p>There are 5 types of permits issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> health or safety protection or recovery social or economic benefit to Ontario Aboriginal overall benefit

		Michigan		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
22	Public Notification	<p>A Public Notice is required to be issued for all Joint Permit Applications that involve Wetlands, Inland Lakes and Streams, Great Lakes Bottomlands, and Dams that do not meet Minor/General Project criteria. A Public Notice packet includes: 1) A summary of the proposed project, 2) A copy of the permit application, 3) Location information, and 4) Drawings of the proposed construction activities.</p> <p>NPDES permits: According to Rules 2119 and 2121, the Department shall public notice a proposal to issue or deny a permit within the geographical area of the proposed or existing discharge, and allow 30 days for the submittal of comments from interested persons. The draft permit and related documentation will be made available to the general public via the Michigan DEQ website.</p> <p>If the Department determines that it is necessary to have a public meeting, hearing, or both, it will need to public notice the event, which may extend the application processing time. For 60 days following the issuance or denial of a permit, any aggrieved party may file a petition for a contested case hearing.</p>	<p>The department shall post the required application documents on its website. The department shall publish a notice of public hearing no less than 10 days and no more than 60 days before the date of the public hearing in at least 3 newspapers of general circulation in different parts of the state, 1 of which shall be in the Upper Peninsula. A notice of the proposed rule shall be published in the Michigan register at least 35 days before the submission of the rule to the secretary of state pursuant to PA 306, MCL 24 section 46(1) followed by a public comment period no more than 21 days.</p>	<p>Public participation in statement Section 8. (1) After the draft ministry statement of environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1).</p> <p>Means of giving notice Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2).</p> <p>Contents of notice Section (3) Notice given under this section in the registry shall include the following:</p> <ol style="list-style-type: none"> 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement. 3. A statement of when the minister expects to finalize the statement. 4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice. 5. A description of any additional rights of participation in the development of the statement that the minister considers appropriate. 6. An address to which members of the public may direct, <ol style="list-style-type: none"> i. written comments on the draft statement, ii. written questions about the draft statement, and iii. written questions about the rights of members of the public to participate in developing the statement. 7. Any information prescribed by the regulations under this Act. 8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3). 	<p>Habitat regulations Section 56. (1) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species, the Minister shall, not later than the date described in subsection (2),</p> <ol style="list-style-type: none"> (a) give notice to the public under section 16 of the Environmental Bill of Rights, 1993 of a proposal to make a regulation under clause 55 (1) (a) that would prescribe an area as the habitat of the species; (b) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that additional time is required to prepare a proposal to make a regulation described in clause (a), (ii) sets out the Minister's reasons for the opinion referred to in sub clause (i), and (iii) provides an estimate of when notice of a proposal to make a regulation described in clause (a) will be given to the public under section 16 of the Environmental Bill of Rights, 1993; or (c) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that no regulation under clause 55 (1) (a) is required with respect to the species because, <ol style="list-style-type: none"> (A) the only locations in Ontario where the species is known to live in the wild are on federal land within the meaning of the Species at Risk Act (Canada), (B) pursuant to a regulation made under clause 55 (1) (b), clause 10 (1) (a) has no application to the species, or (C) other circumstances prescribed by the regulations exist, and (ii) sets out the reasons for the Minister's opinion referred to in sub clause (i). 2007, c. 6, s. 56 (1).
23	Public Involvement Requirements	<p>Public Notice and Hearing Notices, can be searched and viewed on the Coastal and Inland Waters Permit Information System (CIWPIS On-line).</p> <p>NPDES permits: The Department shall public notice a proposal to issue or deny a permit within the geographical area of the proposed or existing discharge, and allow 30 days for the submittal of comments from interested persons. During this public comment period it is possible for interested parties to request a public meeting or hearing.</p>	<p>Link Not applicable.</p>	<p>ECAs are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.</p>	<p>Information for public Section 51. The Minister shall ensure that the following information is made available to the public:</p> <ol style="list-style-type: none"> 1. General information about this Act and the regulations. 2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements entered into under sections 16 and 19 and permits issued under sections 17 and 19.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Michigan		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
					7. General information about the enforcement of this Act. 2007, c. 6, s. 51.
24	Additional Filing/Permitting Information	NPDES permits: In accordance with Section 3120 of the NREPA, Application Fees are now required with NPDES Permit Applications. The applicant is obligated to submit the appropriate fee with the Application. Application Fees are non-refundable.	Lease or grant concessions: all objects on leased land must be removed once the lease expires.	For additional filing and permitting information regarding environmental reviews, please refer to the Environmental Bill of Rights Guide.	Not applicable.
25	Timing (high-level)	If a complete response is not provided within 30 days, the application will be closed. Some regulatory parts allow extensions if requested within the 30 day time frame. Once the WRD has received the information necessary for review of the project, including a thoroughly completed application, consistent drawings that have adequate detail for review and the full application fee, the file will be reviewed for final processing. A mailed postcard or a public notice will provide the file number and the telephone number of the office where the application is being processed. The review time to determine if an application is complete for processing ranges from 15 to 30 days. Technical processing times, after the application is administratively complete, may range from 60 to 90 days. Processing times will be longer if a public hearing is held. NPDES permits: Once the Application is determined to be complete, the Department has 180 days to make a determination as to issuance or denial of a new or increased use permit application.	The Department will review the application and can extend the review period no more than 120 days. The department can choose to hold a public hearing in the affected county within 60 days of application submission or is required to hold a public hearing if a person requests in within 20 days of publication of the notice of application.	Not applicable.	Not applicable.
26	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Lease/concession- no more than 7 years unless the concession requires capital investment, in which case the lease can be up to 15 years. Wetland permit Not applicable. Endangered Species Protection Permit: The permit can be for a single year or for multiple years.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.
27	Reporting Requirements	Not applicable.	The department shall conduct a review of the state list of endangered and threatened species within not more than 2 years after its effective date and every 2 years thereafter, and may amend the list by appropriate additions or deletions pursuant to Act No. 306 of the Public Acts of 1969.	Restoration plans Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1). Restoration plans: purposes (2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for, (a) the prevention, diminution or elimination of the harm; (b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and (c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95	Not applicable.

Table 12. Regulations – Ohio, Ontario

		Ohio	Ontario
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Public Utilities Commission of Ohio</i>	<i>Ontario Energy Board</i>
0A	Applicable If	An electric utility proposes to construct or operate a utility project in Ohio.	A public utility proposes to construct or operate an electric transmission project in Ontario.
1	Statute or Regulation	Ohio Administrative Code Chapter 4906. OAC4906	Ontario Energy Board Act, 1998. OEBA1998 Electricity Act, 1998. EA1998
2	Regulated Activity	The Public Utilities Commission of Ohio regulates electric utilities.	The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.
3	Application Procedure/Process	<p>The Ohio Power Sitting Board is part of the Commission and is composed of the Commission Chairman, members from the environmental protection agency, department of agriculture, development services agency, department of health, department of natural resources, and a member of the public. Utilities apply for a Certificate of Environmental Compatibility and Public Need in order to construct, operate, and maintain utility facilities. The application must include:</p> <ul style="list-style-type: none"> • Project justification of public need and alternative sites • Proof of minimum adverse environmental impact • Proof the project is consistent with regional electric power grid plans • Proof the project will serve public interest and comply with water pollution and waste disposal regulations • Agricultural viability analysis • Water conservation plans and proof of consideration of various alternatives <p>An applicant can request a pre-application meeting with the Board but must submit a pre-application letter of notification. Before the application can be submitted, the applicant must hold at least one public informational meeting and issue a public notice before the each meeting. Once the application is accepted, the Board reviews the application for completeness, issues a letter of completeness, and the application is accepted. Once the application is filed, hearing dates are set and the applicant is required to issue two public notices, one before the Commission investigation notifying the public that the application has been accepted and a second notifying the public of the public hearing.</p> <p>The Board conducts an investigation of the application and publishes a staff report before the public hearing. The Board holds a public meeting, as required by law, to review the application. The public hearing is followed by an adjudicatory hearing at the Commission Office. The Commission may order parties to submit briefs, allow a response period, and submit replies to the appropriate parties. The Board then issues a final decision that includes the reasoning behind the Board's decision. An application for a rehearing must be submitted to the Board within 30 days of the Board's final decision.</p>	<p>Utilities must file a License application with the Board to service or operate an electric utility. The application must include:</p> <ul style="list-style-type: none"> • A statement of the facts • Grounds for the application • The relevant statutory provisions • The nature of the proposal <p>The Board can dismiss, approve, or hold a public hearing for the proposal.</p> <p>If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences.</p> <p>After the review process is complete, the Board issues a final order that is published and becomes available to the public.</p>
4	Public Notification	The applicant is required to hold a public informal meeting to inform the public of the application and hear public concerns. All applications and public meetings/hearings are required to have a notice published in local newspaper. All documents included in the review process and certification applications are public documents and can be found on the Board's website.	The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board's website.
5	Public Involvement Requirements	Members of the public can submit a comment at any point during the application review process. The public can attend public informational meetings, local public hearings, submit written comments, and formally intervene in the case by applying to become an intervenor or party.	Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.
6	Additional Filing/Permitting Information	Utilities must receive all necessary federal, state, and local permits required to construct, operate, and maintain the proposed project. Some permits include Permit-to-Install and Operate, NPDES Construction Storm Water Permit, and Categorical Exclusion/Environmental Assessment/Environmental Impact Statement National Environmental Policy Act Impact Statement.	Not applicable.
7	Timing (high-level)	A pre-application letter must be submitted at least 15 days before the meeting. The Board had 60 days to complete its review of a certification application. Notification of public hearing must be published 7-10 days before the hearing. Applications for rehearing must be submitted within 30 days and requests for Supreme Court appeal must be submitted within 60 days of the Board's final decision.	The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.
8	Lifetime for Permit or Authorization (if applicable)	Once the certificate is approved, the conditions of the certificate apply for the life of the facility unless repealed or modified.	Not applicable.
9	Reporting Requirements	Utilities must submit annual reports to the Commission containing financial, customer, and environmental Disclosure Statements.	The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board's website.

		Ohio	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch
9A	Applicable If		If a developer’s project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.
10	Statute or Regulation		Environmental Assessment Act R.S.O. 1990, CHAPTER E.18 EAA1990
11	Regulated Activity		By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it: <ul style="list-style-type: none"> releases pollutants into the air, land or water stores, transports or disposes of waste An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.
12	Application Procedure/Process		Depending on the nature of the activity, you may need to: <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA). The application for Environmental Compliance Approval can be found here (ECAA). This link includes general information and instructions, application summary, and required information. It also includes the regulatory requirements. ECAA
13	Public Notification		Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual environmental assessment pursuant to Declaration Orders.
14	Public Involvement Requirements		Public Notice of Submission Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3. Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3. Comments Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent’s application, shall submit the comments by the prescribed deadline.
15	Additional Filing/Permitting Information		Guide to EA for Electricity Projects GEAREP
16	Timing (high-level)		Guide to Applying for an Environmental Compliance Approval Figure 1: Application Review Stages (p. 13) This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event. Application Intake Process “Your application should be submitted as soon as possible as the ministry’s review time will depend on several factors: <ul style="list-style-type: none"> the quality of the application the complexity of the proposal the associated documentation concerns of the District Office or Ministry supplementary reviewers.” Environmental Assessment Act, Part II Environmental Assessments Application for Approval Deadline Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline. Ministry Review Completion Date Section 7(2) The review must be completed by the prescribed deadline. Same

		Ohio		Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>		<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	
				Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended. Environmental Assessment Act, Ontario Regulation 616/98, Deadlines [This file provides an entire table of deadlines]	
18	Reporting Requirements			Decision by Minister Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may, (a) give approval to proceed with the undertaking; (b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying, (i) the methods and phasing of the carrying out of the undertaking, (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or (c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.	
		Ohio		Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
18A	Applicable If	A transmission line project would have an impact on the state's wetlands and waterbodies.	A transmission line project would have an impact on fish, wildlife, and or special status species.	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.
19	Statute or Regulation	Section 401 Water Quality Certification Chapter 6111: Water Pollution Control Isolated Wetlands Permit Section 6111.021 ORC 3745-33 ORC 3745-2	Title XV. Conservation of Natural Resources. Chapter 1518. Endangered Species. General Provisions 1531.25 Protection of species threatened with statewide extinction. Rules for designating endangered plants	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act Ontario Regulation 166/06 Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses	Endangered Species Act Provincial Policy Statement
20	Regulated Activity	Section 401: Any person who wishes to place dredged or fill material into wetlands or streams must apply for an individual Section 401 certification, unless the project meets the applicable conditions for a nationwide permit, as described below. Activities typically requiring 401 certifications include stream rerouting, placing streams in culverts, filling wetlands and filling in lakes. Projects that are typically regulated include construction activities at highways, marinas/docks, shopping malls, housing subdivisions and strip mining operations. Isolated Wetlands Permit:	1518.02 PROHIBITION (plants) No person shall willfully root up, injure, destroy, remove, or carry away on or from public highways, public property, or waters of the state, or on or from the property of another, without the written permission of the owner, lessee, or other person entitled to possession, any endangered or threatened plant listed by rule adopted under section 1518.01 of the Revised Code. The chief of the division of wildlife, with the approval of the wildlife council, shall adopt and may modify and repeal rules, in accordance with Chapter 119 of the Revised Code, restricting the taking or possession of native wildlife, or any eggs or offspring thereof, that he finds to be threatened with statewide extinction. The rules shall	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. RSP 1990, Part 2.1, subsection 20.2(1) Application for approval A person may apply to the Director for approval to engage in an activity mentioned in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions: <ul style="list-style-type: none"> • killing • harming • harassing • capturing • taking • possessing

		Ohio		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		<p>Any person who wishes to place dredged or fill material into isolated wetlands must apply for and receive an isolated wetland permit from Ohio EPA. An isolated wetland is one that is not adjacent or connected to navigable waters (for example, lakes, ponds, streams, rivers). Typical projects that may require an isolated wetland permit include highway construction, commercial development, utility line projects and residential development.</p> <p>General permit OHC000003: Under the Ohio Water Pollution Control Act, discharges of storm water from sites where construction activity is being conducted must apply for a general permit from the Ohio EPA as well as a NPDES permit.</p> <p>NPDES permits: No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements specified in Ohio Revised Code 3745-33.</p>	<p>identify the common and scientific names of each endangered species and shall be modified from time to time to include all species on the list of endangered fish and wildlife pursuant to Section 4 of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531, as amended, and that are native to this state, or that migrate or are otherwise reasonably likely to occur within the state.</p> <p>The rules shall provide for the taking of species threatened with statewide extinction, for zoological, educational, and scientific purposes, and for propagation in captivity to preserve the species, under written permits from the chief. The rules shall in no way restrict the taking or possession of species listed on such United States list for zoological, educational, or scientific purposes, or for propagation in captivity to preserve the species, under a permit or license from the United States or any instrumentality thereof.</p> <p>Chapter 1531.03: The wildlife council shall Advise on policies of the division and the planning, development, and institution of programs and policies of the division, Investigate, consider, and make recommendations in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals throughout the state, as provided in this chapter and Chapter 1533. of the Revised Code, and Report to the governor from time to time the results of its investigations concerning the wildlife resources of the state with recommendations of such measures as it considers necessary or suitable to conserve or develop those resources and preserve them as far as practicable.</p>		<ul style="list-style-type: none"> transporting collecting buying selling leasing trading offering to buy, sell, lease or trade <p>If the activity you are planning might affect species at risk then you may need a permit.</p>
21	Application Procedure/Process	<p>Section 401: This two-page form must be completed in its entirety along with the appropriate impact tables. An applicant must fill out the appropriate impact tables for each type of water resource proposing to be impacted (streams, wetlands and/or lakes). Additionally, Ohio EPA has developed the Section 401 Water Quality Certification Application Completion and Submittal Instructions to provide guidance and clarification on how an application should be organized, submitted and what information should specifically be included in the application packet. Instructions (WQCI)/(PIT-4) Proposed Impact Table (Part of Application) (PIT-1, PIT-2, PIT-3)</p> <p>Isolated Wetlands Permit: The application review process has three levels, depending on the type and size of wetlands that will be disturbed in the project.</p> <p>Section 6111.022 Proposed filling of wetland subject to level one review.</p> <p>Section 6111.023 Proposed filling of wetland subject to level two review.</p> <p>Section 6111.024 Proposed filling of wetland subject to level three review.</p> <p>General permit: The applicant must submit a Notice of Intent to the Department along with the associated fees who will then review the application if all the required information is included.</p>	<p>Not applicable.</p>	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA) <p>Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water</p>	<p>In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk.</p> <p>Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met.</p> <p>Agreements Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.</p> <p>Regulatory exemption A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption.</p> <p>There are 5 types of permits issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> health or safety

		Ohio		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		<p>NPDES permits:</p> <p>ORC 3745-33-03: Applications for Ohio NPDES permits shall be filed only on forms approved by Ohio EPA and shall contain such information as Ohio EPA deems necessary and pursuant to ORC 3745-33-03C.</p> <p>Establishing final permit conditions for physical and chemical specific parameters. Final effluent limitations and monitoring requirements shall be established in an NPDES permit in accordance with this rule and the reasonable potential recommendations determined pursuant to rule 3745-2-06 of the Administrative Code. The director may impose additional terms and conditions as part of an NPDES permit as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of water quality.</p>			<ul style="list-style-type: none"> • protection or recovery • social or economic benefit to Ontario • Aboriginal • overall benefit
22	Public Notification	<p>Section 401:</p> <p>Division 6111.30(C) of the Ohio Revised Code places the responsibility for issuing a public notice about the application for the project with the applicant. Ohio EPA has prepared an instruction sheet to assist the applicant through this process. The instruction sheet describes the steps to be taken and coordination needed to complete this task in a timely manner.</p> <p>The applicant must issue a public notice regarding submittal of each Section 401 application for a period of 30 days to solicit public comment. Ohio EPA may conduct a public hearing on request or if the director of Ohio EPA determines the project to be complex or controversial. An applicant seeking a 401 certification must present an evaluation of alternatives and discuss the social and economic impacts that will result from the project.</p> <p>Level 3 Isolated Wetlands Permit:</p> <p>For applicants who submit applications for both a Level 3 Isolated Wetland Permit and a 401 Water Quality Certification for the same project site:</p> <ul style="list-style-type: none"> • Simultaneous with written notification from Ohio EPA that an application is complete, you will receive a draft public notice for completion. The public notice must appear for at least one day in a newspaper of general circulation where the project is located. • If your project proposes to impact a Category 3 isolated wetland, a public hearing must be scheduled and public noticed in a newspaper of general circulation for the county where the project is located. <p>For applicants who submit only a Level 3 Isolated Wetland Permit application:</p> <p>Ohio EPA will submit the public notice to the applicable newspaper for publication.</p> <p>General permit:</p> <p>Pursuant to Ohio Revised Code Section 3745.04, a Final</p>	PN401 Not applicable.	<p>Public participation in statement</p> <p>Section 8. (1) After the draft ministry statement of environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1).</p> <p>Means of giving notice</p> <p>Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2).</p> <p>Contents of notice</p> <p>Section (3) Notice given under this section in the registry shall include the following:</p> <ol style="list-style-type: none"> 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement. 3. A statement of when the minister expects to finalize the statement. 4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice. 5. A description of any additional rights of participation in the development of the statement that the minister considers appropriate. 6. An address to which members of the public may direct, <ol style="list-style-type: none"> i. written comments on the draft statement, ii. written questions about the draft statement, and iii. written questions about the rights of members of the public to participate in developing the statement. 7. Any information prescribed by the regulations under this Act. 8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3). 	<p>Habitat regulations</p> <p>Section 56. (1) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species, the Minister shall, not later than the date described in subsection (2),</p> <ol style="list-style-type: none"> (a) give notice to the public under section 16 of the Environmental Bill of Rights, 1993 of a proposal to make a regulation under clause 55 (1) (a) that would prescribe an area as the habitat of the species; (b) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that additional time is required to prepare a proposal to make a regulation described in clause (a), (ii) sets out the Minister's reasons for the opinion referred to in sub clause (i), and (iii) provides an estimate of when notice of a proposal to make a regulation described in clause (a) will be given to the public under section 16 of the Environmental Bill of Rights, 1993; or (c) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that, <ol style="list-style-type: none"> (i) states that the Minister is of the opinion that no regulation under clause 55 (1) (a) is required with respect to the species because, <ol style="list-style-type: none"> (A) the only locations in Ontario where the species is known to live in the wild are on federal land within the meaning of the Species at Risk Act (Canada), (B) pursuant to a regulation made under clause 55 (1) (b), clause 10 (1) (a) has no application to the species, or (C) other circumstances prescribed by the regulations exist, and (ii) sets out the reasons for the Minister's opinion referred to in sub clause (i). 2007, c. 6, s. 56 (1).

		Ohio		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. NPDES permits: ORC 5745-33-07: Upon receipt of a complete application for a variance and upon making a preliminary decision regarding the variance, the director shall public notice the variance application, the availability of the public record, the availability of the plan of study (if applicable) and the preliminary decision for public comment.			
23	Public Involvement Requirements	<p>Section 401: Division 6111.30(C) of the Ohio Revised Code places the responsibility for issuing a public notice about the application for the project with the applicant. Ohio EPA has prepared an instruction sheet to assist the applicant through this process. The instruction sheet describes the steps to be taken and coordination needed to complete this task in a timely manner. General Public Notice Requirements General permit: Pursuant to Ohio Revised Code Section 3745.04, a Final Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. NPDES permits: ORC 5745-33-07: Upon receipt of a complete application for a variance and upon making a preliminary decision regarding the variance, the director shall public notice the variance application, the availability of the public record, the availability of the plan of study (if applicable) and the preliminary decision for public comment.</p>	<p>Not applicable.</p>	<p>ECAs are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.</p>	<p>Information for public Section 51. The Minister shall ensure that the following information is made available to the public: 1. General information about this Act and the regulations. 2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements entered into under sections 16 and 19 and permits issued under sections 17 and 19. 7. General information about the enforcement of this Act. 2007, c. 6, s. 51.</p>
24	Additional Filing/Permitting Information	<p>Section 401 Additional Process Steps 1. A formal mid-project review meeting procedure has been established to ensure that all applicants are offered the opportunity to meet with the application reviewer after the close of the public comment period if they so desire. 2. A formal dispute resolution procedure has been established to ensure the timely resolution of disagreements that arise during the technical review process.</p>	<p>Not applicable.</p>	<p>For additional filing and permitting information regarding environmental reviews, please refer to the Environmental Bill of Rights Guide.</p>	<p>Not applicable.</p>
25	Timing (high-level)	<p>Section 401: State law requires that 401 water quality certifications be issued within 180 days of receiving a complete application. Applications must be complete before Ohio EPA will initiate the review process. NPDES Permits: ORC 3745-33-04: The director shall issue or deny an application for a permit for a new discharge for the installation or modification of a disposal system, or for renewal of a permit, within one hundred eighty days of the date on which the director receives a complete</p>	<p>Approximately one month (project specific).</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

		Ohio		Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		application with all plans, specifications, construction schedules, and other pertinent information required by the director.			
26	Lifetime for Permit or Authorization (if applicable)	<p>Section 401: Unless a different time frame is established, the 401 certification is valid for five years when issued in conjunction with a Corps individual Section 404 permit.</p> <p>Isolated Wetlands Permit: Section 6111.021: A general permit is effective for five years. Upon the expiration of a general permit, the director shall issue a new general permit. The director may issue an individual state isolated wetland permit for purposes of sections 6111.023 and 6111.024 of the Revised Code. An individual permit issued under either of those sections is effective for five years. The issuance of a general or individual state isolated wetland permit constitutes the issuance of a section 401 water quality certification for purposes of the Federal Water Pollution Control Act.</p>	Not applicable.	<p>Guide to Permit to Take Water Application Form</p> <p>All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.</p>	<p>Guide to Permit to Take Water Application Form</p> <p>All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.</p>
27	Reporting Requirements	<p>Water Pollution Control Act: Section (6) The director may condition permits upon the installation of discharge or water quality monitoring equipment or devices and the filing of periodic reports on the amounts and contents of discharges and the quality of receiving waters that the director prescribes. The director shall condition each permit for a government-owned disposal system or any other "treatment works" as defined in the Federal Water Pollution Control Act upon the reporting of new introductions of industrial waste or other wastes and substantial changes in volume or character thereof being introduced into those systems or works from "industrial users" as defined in section 502 of that act, as necessary to comply with section 402(b)(8) of that act; upon the identification of the character and volume of pollutants subject to pretreatment standards being introduced into the system or works; and upon the existence of a program to ensure compliance with pretreatment standards by "industrial users" of the system or works. In requiring monitoring devices and reports, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.</p> <p>NPDES permits: ORC 5745-33-07: Final effluent limitations and monitoring requirements shall be established in an NPDES permit in accordance with this rule and the reasonable potential recommendations determined pursuant to rule 3745-2-06 of the Administrative Code.</p>	Not applicable.	<p>Restoration plans</p> <p>Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1).</p> <p>Restoration plans: purposes</p> <p>(2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for,</p> <p>(a) the prevention, diminution or elimination of the harm;</p> <p>(b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and</p> <p>(c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95</p>	Not applicable.

Table 13. Regulations – Pennsylvania, Ontario

		Pennsylvania	Ontario
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Pennsylvania Public Utilities Commission</i>	<i>Ontario Energy Board</i>
0A	Applicable If	A public utility proposes to construct or operate an energy project in Pennsylvania.	A public utility proposes to construct or operate an electric transmission project in Ontario.
1	Statute or Regulation	Pennsylvania Code Title 52 Public Utility Code. Pennsylvania Code Title 25 Environmental Protection. Pennsylvania Code Title 52 Chapter 57.	Ontario Energy Board Act, 1998. Electricity Act, 1998.
2	Regulated Activity	The Pennsylvania Public Utility Commission regulates all public utilities in Pennsylvania.	The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.
3	Application Procedure/Process	<p>Utilities must file an application for construction and operation of utility facilities with the Commission. The application must include the proposed route and costs. The proposed route must include:</p> <ul style="list-style-type: none"> • Safety of alternative projects considered • Environmental impacts • Historic and scenic impacts • Existing land use and landowner information • Soil and sedimentation • Plant and wildlife habitats • Terrain • Hydrology and landscape • Location of airports and archeological sights • Statement of project needs • Required information pursuant to Pa Code 57.72. <p>The Commission reviews the application and determines the review process of the application. Upon the filing of an application, the Commission will set the time and place for hearing or hearings of the application pursuant to Pa Code 57.75. The Commission will review the application for compliance with the required criteria pursuant to Pa Code 57.76. If the application is contented, the Commission will assign an Administrative Law Judge to the application and a public hearing will be held. The Commission also holds evidentiary hearings to offer expert testimony and examination. Public input hearings are held by the Judge. The judge then submits a recommended decision to the Commission. The Commission may require parties to submit briefs and allow for brief responses. The Commission then provides a final decision to accept, reject or modify the Judge's decision.</p>	<p>Utilities must file a License application with the Board to service or operate an electric utility. The application must include:</p> <ul style="list-style-type: none"> • A statement of the facts • Grounds for the application • The relevant statutory provisions • The nature of the proposal <p>The Board can dismiss, approve, or hold a public hearing for the proposal.</p> <p>If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences.</p> <p>After the review process is complete, the Board issues a final order that is published and becomes available to the public.</p>
4	Public Notification	<p>Public notices of the application and all public hearings are published in the Pennsylvania Bulletin. The application, all documents, and the Commission's final decision are public record and are available at the Commission's office. The public may also request a copy of any document from the Commission by phone, fax, or email.</p> <p>Pa Code 57.75: The Commission requires the applicant to cause the weekly publication for two consecutive weeks of a notice of hearing in a newspaper of general circulation within each municipality in which the HV line is proposed to be located.</p>	The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board's website.
5	Public Involvement Requirements	All public hearings are open to the public. The public may provide an oral or written comment at the public input hearing, provide testimony at the evidentiary hearing, provide a comment during the public input meeting, and submit a comment to the Commission at any point during the application review process. The public may also petition to intervene and become an active participant in the public hearing.	Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.
6	Additional Filing/Permitting Information	Applicants must obtain the appropriate permits from local zoning boards and the Pennsylvania Department of Environmental Protection.	Not applicable.
7	Timing (high-level)	<p>All Notices must be published in the Pennsylvania Bulletin at least 15 days before the event the notice is referencing for general applications.</p> <p>PA Code 57.75: The publication of the notice of hearings for the construction of electric transmission lines shall begin at least 45 days before the date set for the commencement of the hearings. A protest must be filed within 60 days of the notice publication. Exceptions must be filed within 20 days of the issued decision.</p>	The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
9	Reporting Requirements	Utilities must file an annual report with the Commission including financial and customer information and Environmental Disclosure Statements.	The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board's website.

		Pennsylvania	Ontario
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>
9A	Applicable If		If a developer’s project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.
10	Statute or Regulation		Environmental Assessment Act R.S.O. 1990, CHAPTER E.18 EAA1990
11	Regulated Activity		By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it: <ul style="list-style-type: none"> releases pollutants into the air, land or water stores, transports or disposes of waste An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.
12	Application Procedure/Process		Depending on the nature of the activity, you may need to: <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA). The application for Environmental Compliance Approval can be found here (ECAA). This link includes general information and instructions, application summary, and required information. It also includes the regulatory requirements. ECAA
13	Public Notification		Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual environmental assessment pursuant to Declaration Orders.
14	Public Involvement Requirements		Public Notice of Submission Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3. Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3. Comments Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent’s application, shall submit the comments by the prescribed deadline.
15	Additional Filing/Permitting Information		Guide to EA for Electricity Projects GEAREP
16	Timing (high-level)		Guide to Applying for an Environmental Compliance Approval Figure 1: Application Review Stages (p. 13) This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event. Application Intake Process “Your application should be submitted as soon as possible as the ministry’s review time will depend on several factors: <ul style="list-style-type: none"> the quality of the application the complexity of the proposal the associated documentation concerns of the District Office or Ministry supplementary reviewers.” Environmental Assessment Act, Part II Environmental Assessments Application for Approval Deadline Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline. Ministry Review Completion Date Section 7(2) The review must be completed by the prescribed deadline. Same

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		Pennsylvania			Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>			<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	
					Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended. Environmental Assessment Act, Ontario Regulation 616/98, Deadlines [This file provides an entire table of deadlines]	
18	Reporting Requirements				Decision by Minister Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may, (a) give approval to proceed with the undertaking; (b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying, (i) the methods and phasing of the carrying out of the undertaking, (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or (c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.	
		Pennsylvania			Ontario	
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
18A	Applicable If	A transmission line project would impact the state's water resources, wetlands, and wildlife.	A transmission line project would impact the state's wildlife, specifically fish.	A transmission line project would have an impact on the state's wildlife, specifically special status species.	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.
19	Statute or Regulation	PA Title 5 Environmental Protection Article II Water Resources Chapter 105. Dam Safety and Waterway Management Dam Safety and Encroachments Act, 32 P.S. §§693.7, et seq. Pennsylvania Natural Diversity Inventory (PNDI) Link Wild Resources Conservation Act, 32 P.S. § 5301 DSEA1985 Fish and Boat Code, 30 Pa. C.S.A. § 101 et seq. Game and Wildlife Code, 34 Pa. C.S.A. § 101 et seq.	Chapter 75. Endangered Species PA Code 35 C75E5 PA Code 51 PAC35 Section 2305 of the Fish and Boat Code PAC51	Game and Wildlife Code, Chapter 29, Special Licenses and Permits Sec. 2924. Sec. 2161. Commonwealth actions for damage to game or wildlife. SWC29 Sec. 2164. Unlawful taking and possession of protected birds. S2161 Sec. 2167. Endangered or threatened species. S2164 S2167	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act DWRA2011 Ontario Regulation 166/06 TRCA Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses EBR1993	Endangered Species Act ESA2007 Provincial Policy Statement
20	Regulated Activity	Department of Environmental Protection hereby authorizes, by general permit, subject to the S7DSEA PNDI-1	Section 75.4. Special permits. The Executive Director, or a designee, may issue special permits under section 2305 of	Game and Wildlife Code CHAPTER 29 Issuance.--The commission may issue	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. RSP 1990, Part 2.1, subsection 20.2(1) Application for approval	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk.

		Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		<p>terms and criteria set forth, the installation, operation and maintenance of utility line stream crossings of the regulated waters of the Commonwealth. This authorization is under Section 7 of the Dam Safety and Encroachments Act, 32 P.S. §§693.7, et seq., and the rules and regulations promulgated thereunder at §§105.441-105.449 (relating to general permits).</p> <p>PNDI:</p> <p>It is the policy of the Department of Environmental Protection (DEP) to fully support the protection of threatened and endangered species, and special concern species where applicable, during the administration of permit programs. DEP will ensure that permit applicants utilize the Pennsylvania Natural Heritage Program's (PNHP) PNDI to achieve those ends. PNDI is the primary source of information utilized by DEP during the permit review process for the protection of threatened and endangered species, and special concern species where applicable.</p> <p>The PNDI coordination effort facilitates the avoidance and minimization of impacts to threatened and endangered species, and special concern species where applicable, in the Commonwealth of Pennsylvania. PNDI coordination has the benefit of supporting biodiversity conservation and sustainability, when implemented in a manner consistent with the requirements of the laws and regulations implemented by DEP.</p>	<p>the code (relating to threatened and endangered species) to take, catch, kill or possess threatened or endangered species upon written application on forms provided by the Commission.</p> <p>Subsection (1): Special permits will be issued only upon a showing of unique or extraordinary circumstances justifying the permit and the applicant shows that the permitted action does one of the following:</p> <p>(i) Has no demonstrable adverse impacts on the population of the species in this Commonwealth.</p> <p>(ii) Is in the best interest of the protection, conservation and management of the species.</p> <p>(iii) Is necessary and appropriate in the interests of public health and safety or promotes essential research or public education and information.</p>	<p>permits for the importation, exportation, sale, exchange, taking or possession of any birds or animals classified as endangered or threatened, living or dead, or any parts thereof, including eggs.</p> <p>Sec. 2167. Endangered or threatened species.</p> <p>PROTECTION OF GAME OR WILDLIFE</p> <p>Sec. 2161. Commonwealth actions for damage to game or wildlife.</p> <p>Chapter 7 Sec. 725. Rights-of-way, easements and licenses.</p> <p>(a) General rule.--On and across lands to which title has been acquired for its use, the director may, at such charge or fee as the commission may establish, grant:</p> <p>(1) Rights-of-way or licenses for roads, for pipe, electric and other utility lines and for telephone, telegraph and television lines or any other rights-of-way or licenses not inconsistent with the purpose of these lands.</p> <p>(2) Water rights or other rights to maintain airway signals or forest fire observation towers when these rights will not adversely affect the game or wildlife resource or the use of the game or wildlife resource.</p> <p>(3) Rights to erect, construct, maintain and operate antennas, towers, stations, cables and other devices and apparatus helpful, necessary or required for radio broadcasting, telecasting, transmission, relaying or reception of television.</p> <p>(4) Rights to the Department of Transportation to establish roadside rests and highway maintenance facilities under regulations of the commission.</p> <p>(5) Rights to any Federal or State agency or political subdivision to construct, maintain and operate water impoundments or flowage for flood control or recreational use.</p> <p>(b) Charges.--The commission may charge for these grants remuneration and damages as it deems the conditions and circumstances warrant.</p> <p>(c) Approval.--The director may approve the granting, lease or exchange of any easement, right-of-way or license for use of commission property.</p>	<p>A person may apply to the Director for approval to engage in an activity mentioned in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).</p>	<p>If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions:</p> <ul style="list-style-type: none"> • killing • harming • harassing • capturing • taking • possessing • transporting • collecting • buying • selling • leasing • trading • offering to buy, sell, lease or trade <p>If the activity you are planning might affect species at risk then you may need a permit.</p>
21	Application Procedure/Process	<p>General Permit Utility Stream Line Crossings</p> <p>Section 105.444. Contents of</p> <p>PDNIA</p> <p>PDNI-2</p> <p>GPUSLC</p>	<p>Section 75.4. Special permits.</p> <p>Subsection (2): Persons and institutions requesting special permits shall apply before taking, catching, killing, possessing or</p>	<p>Sec. 2167. Endangered or threatened species.</p> <p>b) General rule.--The commission, as the agency of the Commonwealth authorized to</p>	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> • register the activity in the Environmental Activity and Sector Registry (EASR) online system <p>GPTWA</p> <p>ECAA</p> <p>CTRCECA</p>	<p>In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities</p> <p>Link</p>

	Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
	<p>general permits.</p> <p>(1) A concise description of the category of dam, water obstruction or encroachment covered by the general permit, including exceptions to that category.</p> <p>(2) A specification of the watersheds, streams or geographic areas where the general permit is effective.</p> <p>(3) A set of standardized specifications or plans for the particular category of dam, water obstruction or encroachment or a reference to specific criteria and requirements adopted by another Federal or State agency which adequately regulates the particular category of dam, water obstruction or encroachment.</p> <p>(4) A set of conditions governing the construction, operation, maintenance, inspection and monitoring of the projects covered by the general permit as are necessary to assure compliance with the act and this chapter and with other laws administered by the Department, the Fish and Boat Commission and a river basin commission created by interstate compact.</p> <p>(5) A specification of registration requirements if any, established under §105.447 (relating to registration requirements) and registration or general permit fees established under §105.13 (relating to regulated activities—information and fees).</p> <p>PNDI: The PNDI Project Planning and Environmental Review Tool is a user-friendly interface that enables the public, including applicants, consultants, and project planners to perform PNDI project review searches online. DEP or Conservation District staff can also access the tool for PNDI project screening. The online PNDI Environmental Review and Project Planning Tool</p>	<p>acquiring the threatened or endangered species. Application forms and information are available from the Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616.</p> <p>PA Code 35.2: Applications shall be in writing, shall state clearly and concisely the authorization or permission sought, shall cite by appropriate reference the statutory provision or other authority under which the agency authorization or permission is sought, and shall provide the required information pursuant to PC 35.2.</p> <p>PA Code 51.42: Applicants shall provide other information as may be required by the Executive Director to enable the Commission to fully review the application. Incomplete applications will be returned without action.</p> <p>PA Code 51.43: The Commission will review the application and determine if the proposed project is likely to have significant adverse impacts on fish, habitat, fishing, boating, or other matters within the cognizance of the Commission or not. If the Commission concludes the proposal is unlikely to have significant adverse impacts, then the applicant does not need a special permit. If the Commission concludes that there will be adverse impacts, then the Commission will hold a hearing and will defer action on the application until after publication of a notice of hearing.</p> <p>PA Code 51.45: If a hearing is held, the Commission will designate presiding officers and the presiding officer will file a proposed report with the Commission. A party may file a request to present oral argument to the Commission and, if the Commission grants the motion, the party will have 15 minutes to present unless otherwise specified. Upon conclusion of the hearing, the Commission will vote at a regular public meeting on whether to grant or deny the requested permit. The Commission's decision will be forwarded to the parties in writing and will constitute the agency adjudication on the matter under review.</p>	<p>regulate, protect, propagate, manage and preserve game or wildlife, may, in addition to the penalties provided in this title, bring civil actions on behalf of the Commonwealth for compensatory and punitive damages for any game or wildlife killed or any game or wildlife habitat injured or destroyed. In determining the value of game or wildlife killed or habitat injured or destroyed, the commission may consider all factors that give value to the game or wildlife or habitat. These factors may include, but need not be limited to, the commercial resale value, the replacement costs or the recreational value of observing, hunting or fur taking. In addition, the commission may recover the costs of gathering the evidence, including expert testimony, in any civil action brought under this section where the defendant is found liable for damages.</p> <p>(c) Concurrent authority.--The commission shall have concurrent authority to enforce the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, and the regulations thereto, with respect to encroachments and water obstructions only if a violation would, in the opinion of the commission, negatively impact upon a swamp, marsh or wetland. Notwithstanding the provisions of section 26, in the event the commission shall bring a civil action suit pursuant to section 21 or a criminal proceeding pursuant to section 22 of the Dam Safety and Encroachments Act, any moneys recovered by the commission shall be deposited in the Game Fund instead of the Dams and Encroachments Fund.</p> <p>(b) Possession, transportation, capturing or killing.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as the representative of another, to bring into or remove from this Commonwealth, or to possess, transport, capture or kill, or attempt, aid, abet or conspire to capture or kill, any wild bird or wild animal, or any part thereof, or the eggs of any wild bird, which are endangered or threatened species. It is the duty of every officer having authority to enforce this title to seize all wild birds or wild animals, or any part thereof, or the eggs of any wild bird, which have been declared endangered or threatened.</p> <p>PA Code 145.3: A request for a hearing may</p>	<ul style="list-style-type: none"> • apply for an Environmental Compliance Approval (ECA) <p>Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water</p>	<p>that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk.</p> <p>Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met.</p> <p>Agreements Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.</p> <p>Regulatory exemption A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption. There are 5 types of permits issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> • health or safety • protection or recovery • social or economic benefit to Ontario • Aboriginal • overall benefit

		Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
		can be accessed at www.naturalheritage.state.pa.us in the bottom left corner of the site. For information on how to use the PNDI Environmental Review Tool, click the link directly below the tool titled "How to use the ER Tool." Application (PDNIA) General Information (PDNI-2).		be made by a party applying for relief under 145.1. PA Code 145.6: Upon receipt of a petition for review, the Director will order a hearing officer to conduct the hearing. The hearing officer shall notify the parties of the date, time and location of the hearing. PA Code 145.10: A stenographic record or electronic recording shall be made of the proceedings, the record shall be transcribed (Pa Code 197.15) and a copy thereof shall be provided at cost to a party requesting the record. PA Code 145.13: Matters may be decided by the Director or by the Commission. After a recommendation has been proposed by the hearing officer, parties will not be afforded an opportunity to submit oral or written statements of their position to the Director or a designee. The Director or a designee will issue an Opinion and Order within 30 days of the conclusion of the hearing or at the Director's discretion, and submit it to the Commission at the earliest possible regular or special meeting. Copies of the opinion and order of the Director or action taken by the Commission will be sent to all parties. Rights-of-way, easements and licenses: PA Code 135.223: A person or entity requesting a license for right-of-way shall submit a completed application on a form supplied by the Commission. A description of alternatives considered in the project location and design shall be included with the application.		
22	Public Notification	CHAPTER 105. DAM SAFETY AND WATERWAY MANAGEMENT Section 105.15. Environmental assessment Section 105.21a. Public notice. Except for dams, water obstructions and encroachments authorized under Section 105.12, 105.64 and Subchapter L (relating to waiver of permit requirements; emergency permit; and general permits), or as small projects, the Department will publish a notice in the Pennsylvania Bulletin upon receipt of an application and again upon the issuance or denial of a permit by the Department.	PA. Code 35.105: notices and orders initiating hearings which are ordered by the agency to be published in a legal newspaper or a newspaper of general circulation shall be published in the <i>Pennsylvania Bulletin</i> . A notice or order shall be published in the <i>Pennsylvania Bulletin</i> not less than 15 days prior to the date of action and copies of the notice or orders will be mailed to the participating parties.	Not applicable.	Public participation in statement Section 8. (1) After the draft ministry statement of environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1). Means of giving notice Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2). Contents of notice Section (3) Notice given under this section in the registry shall include the following: 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement.	In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met. Agreements Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
					<p>3. A statement of when the minister expects to finalize the statement.</p> <p>4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice.</p> <p>5. A description of any additional rights of participation in the development of the statement that the minister considers appropriate.</p> <p>6. An address to which members of the public may direct,</p> <p>i. written comments on the draft statement,</p> <p>ii. written questions about the draft statement, and</p> <p>iii. written questions about the rights of members of the public to participate in developing the statement.</p> <p>7. Any information prescribed by the regulations under this Act.</p> <p>8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3).</p>	<p>Regulatory exemption</p> <p>A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption.</p> <p>There are 5 types of permits issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> • health or safety • protection or recovery • social or economic benefit to Ontario • Aboriginal • overall benefit
23	Public Involvement Requirements	<p>Section 105.446. Procedure for issuance.</p> <p>(2) Provide written notice of the proposed general permit to the United States Army Corps of Engineers; the United States Coast Guard; the United States Fish and Wildlife Service; the United States Environmental Protection Agency; the Fish Commission; the Game Commission; applicable river basin commissions created by interstate compact; county agencies holding delegations under § 105.4 (relating to delegations to local agencies) and other interested Federal, State or interstate agencies.</p> <p>(b) An opportunity shall be provided for interested members of the public, Federal and State agencies to provide written comments on a proposed general permit.</p> <p>(c) The Department may, at its discretion, hold a public hearing on a proposed general permit for the purposes of gathering information and comments.</p>	<p>PA Code 51.45: A party may file a request to present oral argument to the Commission.</p>	<p>Endangered or threatened species permits:</p> <p>PA Code 145.1: A complaint involving a final order, decree, decision, determination or ruling by the Commission affecting personal or property rights, privileges, immunities, duties, liabilities or obligations or a party to a Commission proceeding who deems himself adversely affected by Commission action may file a complaint or request for a hearing to the Commission.</p> <p>PA Code 145.3: A request for a hearing may be made by a party applying for relief under 145.1</p> <p>PA Code: 145.5 Requests for hearings shall be in writing and captioned "Petition for review" and shall contain the required information pursuant to Pa Code 145.5. The request shall be filed with the nonrefundable filing fee.</p> <p>Rights-of-way, easements and licenses: Not applicable.</p>	<p>ECAs are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.</p>	<p>Information for public</p> <p>Section 51. The Minister shall ensure that the following information is made available to the public:</p> <ol style="list-style-type: none"> 1. General information about this Act and the regulations. 2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements entered into under sections 16 and 19 and permits issued under sections 17 and 19. 7. General information about the enforcement of this Act. 2007, c. 6, s. 51.
24	Additional Filing/Permitting Information	<p>Other Approvals - The owner shall secure all other approvals that may be necessary under other Federal, State or local laws or regulations, including the specific permission of owners of bridges or other structures to which the utility line may be attached.</p> <p>The owner shall notify the Pennsylvania Fish and Boat Commission's Regional Field Office Manager, see Fish and Boat requirements.</p>	<p>PA Code 51.44: A party aggrieved by a Commission decision may file a petition to appeal the decision. A party appealing a staff decision may request the Executive Director to stay the staff decision pending disposition of the appeal.</p>	<p>Permits:</p> <p>Game and Wildlife Code 2903: Fees under section 2904 shall be multiplied by the time period selected by the applicant and remitted at the time of application for the permit.</p> <p>Pa Code 147.2: Applications for permits issued under this part and Chapter 29 of the act (relating to special licenses and permits) shall be accompanied by written documentation from the applicant's local governmental body where the activity will take place, that the privilege granted by the permit does not violate any enacted zoning, ordinance or other local rule.</p> <p>Documentation shall be provided in writing</p>	<p>For additional filing and permitting information regarding environmental reviews, please refer to the Environmental Bill of Rights Guide.</p>	<p>Not applicable.</p>

		Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
				by official correspondence from an authorized officer of the municipality involved. Rights-of-way, easements and licenses: PA Code 135.223: a nonrefundable fee of \$150 payable to the Pennsylvania Game Commission shall be submitted with the application. This fee is nonrefundable whether the license is approved or denied. PA Code: 135.225: The Commission will negotiate charges and fees as it deems conditions and circumstances warrant, with an assessed minimum annual license fee consisting of an annual minimum of \$200 per acre or partial acre impacted.		
25	Timing (high-level)	CHAPTER 105. Dam Safety and Waterway Management Section 105.43. Time limits. Subsection (a): The Department will set time limits for the commencement and completion of work under a permit and may set time limits for the commencement and completion of work under a Letter of Amendment or Letter of Authorization issued under this chapter that it deems reasonable and appropriate to carry out the purposes of this chapter. Subsection (b): For water obstruction and encroachments, if the construction is not completed on or before the dates established in the permit, unless extended by the Department in writing, the permit shall become void without further notification by the Department. PNDI searches are valid for one (1) year from the date of the search. If a permit application or permit registration request is submitted more than one year after the initial search, or conclusion of coordination with the jurisdictional agency (whichever is later), then a new PNDI search is required. The PNDI search is valid only for the specific location and project for which it was run. PNDI Flow Chart.	PA Code 51.42: An application for permit shall be filed no later than 40 days before the activity to be permitted; however, the Executive Director may waive this limitation for good cause in cases where the permitted activity is found by the staff to be unlikely to result in significant adverse impacts on fish, fish habitat, fishing, boating or other matters within the cognizance of the Commission. PA Code 35.20: A party aggrieved by a Commission decision may file a petition to appeal with the Commission within 10 days after service of notice of the action.	Endangered or threatened species permits: PA Code 145.4: Requests for hearings shall be filed with the Director within 30 days following issuance of a notice of adverse action or central office recommended resolution. PA Code 145.6: A minimum of 10 days between issuance of a hearing notice and the date of the hearing will be given to allow notification of parties and their representatives. Rights-of-way, easements and licenses: Not applicable.	Not applicable.	Not applicable.
26	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.	Endangered or threatened species permits: Game and Wildlife Code	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry

		Pennsylvania			Ontario	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>
				Section 2903: all permits shall be issued for a one-year, two-year or three-year time period selected by the applicant for the permit based on the fiscal year for the Commonwealth Rights-of-way, easements and licenses: Not applicable.	Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.
27	Reporting Requirements	Section 105.444. Contents of general permits. A set of conditions governing the construction, operation, maintenance, inspection and monitoring of the projects covered by the general permit as are necessary to assure compliance with the act and this chapter and with other laws administered by the Department, the Fish and Boat Commission and a river basin commission created by interstate compact. Through the PNDI process, the applicant or project sponsor must work with the appropriate resource agency to avoid, minimize and mitigate impacts to species. After they consult with the appropriate resource agency and receive a clearance letter than DEP may continue to evaluate and make a permit decision.	Not applicable.	Endangered or threatened species permits: Game and Wildlife Code Section 2906: Each permit holder shall keep accurate records of all transactions carried out under authority of the permit issued and any other information required by the director. The records for each year of a permit must be kept for a period of three years and shall be open to inspection by any officer of the commission during normal business hours and shall be the basis of any reports required by the commission. Game and Wildlife Code Section 2907: The director may require reports from any permit holder, except that no report may be required with respect to species of fox not indigenous to this Commonwealth. Annual reports shall be due within 30 days after expiration of the permit. For multiple year permits, reports shall be submitted by July 30 of each year that the permit is in effect. The director may designate other times for reports if information is needed by the commission for its operations. Rights-of-way, easements and licenses: Not applicable.	Restoration plans Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1). Restoration plans: purposes (2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for, (a) the prevention, diminution or elimination of the harm; (b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and (c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95	Not applicable.

Table 14. Regulations – New York, Ontario, Quebec

		New York	Ontario	Quebec
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>New York Public Service Commission</i>	<i>Ontario Energy Board</i>	<i>Regie de l'energie Quebec</i>
0A	Applicable If	A utility proposes to operate or construct an electric project in New York.	A public utility proposes to construct or operate an electric transmission project in Ontario.	An electric utility proposes to operate or construct a project in Quebec.
1	Statute or Regulation	2010 New York Code PBS Public Service. 2010PBS	Ontario Energy Board Act, 1998. OEBA1998 Electricity Act, 1998. EA1998	An act respecting the Régie de l'énergie. RE1996
2	Regulated Activity	The New York State Public Service Commission regulates investor-owned electric services in New York.	The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.	The Regie de l'energie Quebec regulates the rates and conditions for the electric power transmission sector.
3	Application Procedure/Process	<p>Utilities must submit an application for a Certificate of Environmental Compatibility and Public Need (ECPN). The applicant must provide the certificate to the Department of Environmental Conservation, the Department of Economic Development, the Secretary of State, the Department of Agriculture and Markets, the Office of Parks, Recreation and Historic Preservation, and all municipalities that would contain a portion of the proposed project. The Certification application includes:</p> <ul style="list-style-type: none"> • Location of the project and the right-of-way • Description of the project proposed • A summary and description of environmental impact studies • Project justification • Alternative project proposal locations and justification of the location chosen <p>The Commission encourages applicants to hold Public Information Hearings for people likely to be affected by the project proposal. After the application is submitted, the Commission determines if there will be a public hearing. If a public hearing is held, a public statement hearing may be held to allow the public to voice statements and concerns regarding the certification application.</p> <p>The Commission can choose to hold a formal evidentiary hearing to solicit evidence and testimony regarding the project proposal. The Department of Environmental Conservation and the Department of Agriculture and Markets typically participate in Certificate proceedings. A prehearing conference may be scheduled for groups interested in participating as parties in the public hearing.</p> <p>After the evidentiary hearing, the Administrative Law Judge is required to file briefs, receive responses, and makes recommendations on the case. The Committee then considers all of the information presented and produced by the application review process and issues a final order containing their decision and decision justification.</p>	<p>Utilities must file a License application with the Board to service or operate an electric utility. The application must include:</p> <ul style="list-style-type: none"> • A statement of the facts • Grounds for the application • The relevant statutory provisions • The nature of the proposal <p>The Board can dismiss, approve, or hold a public hearing for the proposal.</p> <p>If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences.</p> <p>After the review process is complete, the Board issues a final order that is published and becomes available to the public.</p>	<p>Utilities must file an application to the Régie de l'énergie (Commission) to carry out any electric power transmission activities. Applications are examined and decided by three Commissioners.</p> <p>The application must include:</p> <ul style="list-style-type: none"> • Identification of economic, social, and environmental concerns • Sales forecasts and expected distribution obligations • Economic feasibility of the project • Technical requirements <p>The Board is required to hold a public meeting and must issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing.</p> <p>The Commission may require participants to submit comments in writing. The Commission reserves the right to hold a pre-hearing conference with all proceeding participants.</p> <p>The applicant must submit a tender solicitation and contract awarding procedure to ensure inclusion of interested parties, as specified in Section 74.1.</p> <p>The Commission must make a final decision after the tender solicitation and contract awarding procedure is submitted.</p> <p>The Board is required to publish all decisions in the Gazette officielle du Quebec and send a copy to the Minister.</p>
4	Public Notification	The applicant must notify and supply a copy of the application to each municipality and state legislator affected by the proposed project before the application is submitted. The utility must provide proof that a notice of the application was published in local newspapers. The Commission is required to release a Notice of Public Statement Hearings.	The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board's website.	The Board is required to issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission is also required to public a notice of application in the Gazette officiette due Quebec and in daily local newspapers.
5	Public Involvement Requirements	All application proceedings are open to the public, including interest groups and other state agencies. Public comments can be made at any time during the application review process. The public can apply for intervener status or a group can apply for party status to formally contribute to the evidentiary hearing. Interested parties may submit written comments, briefs, provide testimony, cross-examine witnesses, and provide an oral or written statement during the Public Hearing. The public can subscribe to any case service list to participate informally in the application review process.	Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.	In the Notice of application, the public will be notified of the application, the public hearing, and informed how to participate. The public can submit an application to become an intervener and actively participate in the public hearing. The Commission may ask the applicant to financial support public participants.
6	Additional Filing/Permitting Information	The Department of Public Service participates in the ECPN application review processes to ensure representation of public interest. The Department is composed of a wide range of experts to assist the Commission during the application review process.	Not applicable.	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		New York	Ontario	Quebec
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>New York Public Service Commission</i>	<i>Ontario Energy Board</i>	<i>Regie de l'energie Quebec</i>
7	Timing (high-level)	Public statement hearings for electric cases are held 60-90 days after the Certification application is submitted. Any party has 30 days after a written decision is issued by the Commission to apply for a rehearing.	The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.	The Commission must make a final decision within 90 days after the tender solicitation and contract awarding procedure is submitted.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.	Not applicable.
9	Reporting Requirements	Utilities must file an annual report with the Commission that includes financial and customer information.	The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board's website.	Utilities are required to submit an annual report to the Commission that includes capitol stock, assets, liabilities, revenues, price and rate changes, and any other required information.
		New York	Ontario	Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
9A	Applicable If	Any project that affects the environment requires an environmental review.	If a developer's project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.	If a developer proposes a transmission line over 75kV it is subject to assessment and review.
10	Statute or Regulation	Section 617: State Environmental Quality Review §617	Environmental Assessment Act R.S.O. 1990, CHAPTER E.18 EAA1990	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
11	Regulated Activity	An action is subject to review under SEQR if any state or local agency has authority to issue a discretionary permit, license or other type of approval for that action. SEQR also applies if an agency funds or directly undertakes a project, or adopts a resource management plan, rule or policy that affects the environment. SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement. Actions under SEQR are those actions of the state or of a local government consisting of: 1. The approval or direct development of physical projects. Some examples are: shopping centers, factories and office buildings, dredging, residential developments, public buildings, mimes, roads and landfills, work in streams and other waterbodies, work in wetlands, and construction of dams and other structures to impound water. 2. Planning activities that require a government agency decision. Some examples: park development plans, formation of districts, and land use plans. 3. Adoption of agency rules, regulations, procedures and policies. Some examples: local zoning and planning, wetlands protection, public health regulations, and handling of toxic wastes. Type 1 (617.4) and Type 2 Actions (617.5) Listed in Statute	SEQR By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it: <ul style="list-style-type: none">releases pollutants into the air, land or waterstores, transports or disposes of waste An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.	No person may undertake or carry out a project referred to in Schedule A of the Environment Quality Act (R.S.Q., c. Q-2), i.e., a project that is automatically subject to the environmental and social impact assessment and review procedure, or a project that falls into the "grey zone," i.e., a project that is not automatically exempt from this procedure (Schedule B of the Act), in a northern region (territory covered by an agreement) unless a certificate of authorization or an attestation of exemption of the project has been issued by the Minister, in accordance with sections 154 and 189 of the Act. Projects subject to assessment and review procedure: All electric power transmission lines of over 75 kV. Projects exempt: All control or transformer stations of a voltage of 75 kV or less, or electric power transmission lines of a voltage of 75 kV or less.
12	Application Procedure/Process	State Environmental Quality Review Act (SEQR) Forms SEA-1 Short Environmental Assessment Forms Part 1, Parts 2&3 SEA-2 Full Environmental Assessment Form (FEAF Appendix A to 6 NYCRR 617.20) Part 1; Part 2; Part 3 FEAF-1 FEAF-2 FEAF-3	Depending on the nature of the activity, you may need to: <ul style="list-style-type: none">register the activity in the Environmental Activity and Sector Registry (EASR) online systemapply for an Environmental Compliance Approval (ECA). The application for Environmental Compliance Approval can be found here (ECAA). This link includes general information and instructions, application summary, and required information. It also includes the regulatory requirements.	Project proponents may use this preliminary information form (Word, 141 ko) to request a certificate or attestation. The proponent must submit at least fifteen (15) hard copies of the preliminary information and at least fifteen (15) electronic copies in PDF (Portable Document Format) all in French. The proponent should also submit five (5) hard copies and five (5) electronic copies in English. Additional copies may be requested depending on the scope of the project. DGEEES
13	Public Notification	Environmental Notice Bulletin (ENB) means the weekly publication of the department published pursuant to section 3-0306 of the Environmental Conservation Law, and accessible on the department's internet web site at http://www.dec.state.ny.us .	Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)

		New York	Ontario	Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
			environmental assessment pursuant to Declaration Orders.	
14	Public Involvement Requirements	<p>Part (d) The lead agency will make every reasonable effort to involve project sponsors, other agencies and the public in the SEQR process</p> <p>Section 617.8 Scoping</p> <p>Subsection (e): Scoping must include an opportunity for public participation. The lead agency may either provide a period of time for the public to review and provide written comments on a draft scope or provide for public input through the use of meetings, exchanges of written material, or other means.</p> <p>Section 617.9, subsection a(2): The lead agency will use the final written scope, if any, and the standards contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. This determination must be made in accordance with the standards in this section within 45 days of receipt of the draft EIS.</p>	<p>Public Notice of Submission</p> <p>Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3.</p> <p>Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3.</p> <p>Comments</p> <p>Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent’s application, shall submit the comments by the prescribed deadline.</p>	<p>Environmental Assessment Legislation (Link1)</p> <p>Environmental Quality Act (R.S.Q., c. Q-2) (Link2)</p> <p>Link1</p> <p>Link2</p>
15	Additional Filing/Permitting Information	<p>FAQs Guide for the Process</p> <p>NYFAQ1</p> <p>NYFAQ2</p>	<p>Guide to EA for Electricity Projects</p> <p>GEAREP</p>	<p>Environmental Assessment Legislation (Link1)</p> <p>Environmental Quality Act (R.S.Q., c. Q-2) (Link2)</p> <p>Link1</p> <p>Link2</p>
16	Timing (high-level)	<p>Scoping timing. The lead agency must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope.</p>	<p>Guide to Applying for an Environmental Compliance Approval</p> <p>Figure 1: Application Review Stages (p. 13)</p> <p>This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event.</p> <p>Application Intake Process</p> <p>“Your application should be submitted as soon as possible as the ministry’s review time will depend on several factors:</p> <ul style="list-style-type: none"> • the quality of the application • the complexity of the proposal • the associated documentation concerns of the District Office or Ministry supplementary reviewers.” <p>Environmental Assessment Act, Part II Environmental Assessments</p> <p>Application for Approval</p> <p>Deadline</p> <p>Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.</p> <p>Ministry Review</p> <p>Completion Date</p> <p>Section 7(2) The review must be completed by the prescribed deadline.</p> <p>Same</p> <p>Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.</p> <p>Environmental Assessment Act, Ontario Regulation 616/98, Deadlines</p> <p>[This file provides an entire table of deadlines]</p>	<p>Environmental Assessment Legislation (Link1)</p> <p>Environmental Quality Act (R.S.Q., c. Q-2) (Link2)</p> <p>Link1</p> <p>Link2</p>
18	Reporting Requirements	<p>Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay, must avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and must expedite all SEQR proceedings in the interest of prompt review.</p>	<p>Decision by Minister</p> <p>Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,</p> <p>(a) give approval to proceed with the undertaking;</p>	<p>Environmental Assessment Legislation (Link1)</p> <p>Environmental Quality Act (R.S.Q., c. Q-2) (Link2)</p> <p>Link1</p> <p>Link2</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		New York	Ontario		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>		<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
			(b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying, (i) the methods and phasing of the carrying out of the undertaking, (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or (c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.		
		New York	Ontario		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
18A	Applicable If	This agency has jurisdiction if the proposed transmission line may affect the state’s wildlife.	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
19	Statute or Regulation	Part 175: Special Licenses and Permits Nuisance Wildlife Control License Part 182: Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern; Incidental Take Permits 6 NYCRR Part 182 NY ENV 11	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act Ontario Regulation 166/06 Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses	Endangered Species Act Provincial Policy Statement	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)
20	Regulated Activity	Part 175.1: subsection (c): Applicability. This Part applies to special licenses and permits, hereinafter called licenses and Permits, authorized by the following sections of the Environmental Conservation Law: Nuisance Wildlife Control License Taking, transporting and releasing, or euthanizing wildlife when such wildlife damages or destroys property or poses a threat to public safety. For a General (Commercial) License holder only: Charging a fee to provide wildlife removal services for a property owner or lessee. Section 182.7 Licenses The department may, pursuant to Part 175, issue a license to a person to transport, sell, import and/or possess any species listed as endangered, threatened or species of special concern in this Part for purposes it deems legitimate. Such license shall state the species to which it applies and any other conditions the department may deem appropriate. Section 182.8 Prohibition	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. RSP 1990, Part 2.1, subsection 20.2(1) Application for approval A person may apply to the Director for approval to engage in an activity mentioned in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions: <ul style="list-style-type: none"> • killing • harming • harassing • capturing • taking • possessing • transporting 	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

		New York	Ontario		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environmental and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		Subsection (a): No person shall take or engage in any activity that is likely to result in a take of any species listed as endangered or threatened in this Part, except as authorized by an incidental take permit issued by the department pursuant to this Part or as otherwise authorized as an exempt activity in section 182.13 of this Part.		<ul style="list-style-type: none"> collecting buying selling leasing trading offering to buy, sell, lease or trade If the activity you are planning might affect species at risk then you may need a permit.	
21	Application Procedure/Process	Nuisance Wildlife Control License Pass the nuisance wildlife control operator examination with a score of 80% or higher: <ul style="list-style-type: none"> Register for the exam: contact a regional DEC wildlife office. Dates & locations: Held at variable times throughout the year statewide. Complete and submit the Nuisance Wildlife Control Operator License Application (sent in mail after passing the exam) Section 182.11 Incidental take permit; specific application requirements A permit under this section is required for any activity that is likely to result in the take or a taking of any species listed as endangered or threatened in this Part as determined by the department and that is not otherwise exempt under section 182.13 of this Part. Subsection (a): Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department. Subsection (b): Eligible applicants. Generally, the person implementing the proposed action or the person most involved in the proposed action that is subject to this Part. Subsection (c): Permit application requirements. A complete application for an incidental take permit must include a properly completed application for the permit and any supplemental forms. In addition to the general requirements for permit applications, an applicant must provide to the department's appropriate regional permit administrator.	Depending on the nature of the activity, you may need to: <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA) Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water	In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met. Agreements Agreements are drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed. Regulatory exemption A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption. There are 5 types of permits issued under the Endangered Species Act: <ul style="list-style-type: none"> health or safety protection or recovery social or economic benefit to Ontario Aboriginal overall benefit 	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

		New York	Ontario		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environmental and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
22	Public Notification	<p>The Uniform Procedures Act recognizes major projects and minor projects for each permit type. If your project is major, then the project is subject to public review, as follows:</p> <p>A Notice of Complete Application is published by the Department in the <i>Environmental Notice Bulletin</i> (ENB). You must also publish this notice in a local newspaper.</p> <p>Section 621.3: Minor projects are not normally subject to the public notice requirements of section 621.7 of this Part, and may be processed faster than major projects as explained in section 621.10</p> <p>Nuisance Wildlife Control License: NY ENV 11.0524: The department shall annually update a list of nuisance wildlife control operators and make it available to the public in both printed and electronic formats.</p>	<p>Public participation in statement</p> <p>Section 8. (1) After the draft ministry statement of environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1).</p> <p>Means of giving notice</p> <p>Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2).</p> <p>Contents of notice</p> <p>Section (3) Notice given under this section in the registry shall include the following:</p> <ol style="list-style-type: none"> 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement. 3. A statement of when the minister expects to finalize the statement. 4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice. 5. A description of any additional rights of participation in the development of the statement that the minister considers appropriate. 6. An address to which members of the public may direct, <ol style="list-style-type: none"> i. written comments on the draft statement, ii. written questions about the draft statement, and iii. written questions about the rights of members of the public to participate in developing the statement. 7. Any information prescribed by the regulations under this Act. 8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3). 	<p>Habitat regulations</p> <p>Section 56. (1) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species, the Minister shall, not later than the date described in subsection (2),</p> <p>(a) give notice to the public under section 16 of the Environmental Bill of Rights, 1993 of a proposal to make a regulation under clause 55 (1) (a) that would prescribe an area as the habitat of the species;</p> <p>(b) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that,</p> <p>(i) states that the Minister is of the opinion that additional time is required to prepare a proposal to make a regulation described in clause (a),</p> <p>(ii) sets out the Minister's reasons for the opinion referred to in sub clause (i), and</p> <p>(iii) provides an estimate of when notice of a proposal to make a regulation described in clause (a) will be given to the public under section 16 of the Environmental Bill of Rights, 1993; or</p> <p>(c) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that,</p> <p>(i) states that the Minister is of the opinion that no regulation under clause 55 (1) (a) is required with respect to the species because,</p> <p>(A) the only locations in Ontario where the species is known to live in the wild are on federal land within the meaning of the Species at Risk Act (Canada),</p> <p>(B) pursuant to a regulation made under clause 55 (1) (b), clause 10 (1) (a) has no application to the species, or</p> <p>(C) other circumstances prescribed by the regulations exist, and</p> <p>(ii) sets out the reasons for the Minister's opinion referred to in sub clause (i). 2007, c. 6, s. 56 (1).</p>	<p>Wetlands Statutes and Information. (Link1)</p> <p>Threatened and Species at Risk. (Link1)</p>
23	Public Involvement Requirements	<p>The Notice of Complete Application sets a public comment period. This is usually either 15-, 30- or 45-day period after the date the Notice is published, depending on the permit type requested. Based on any comments received and on staff's review of the project against permitting standards, DEC decides whether to hold a public hearing. For more information, refer to the Guide for Public Hearings.</p>	<p>ECAs are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.</p>	<p>Information for public</p> <p>Section 51. The Minister shall ensure that the following information is made available to the public:</p> <ol style="list-style-type: none"> 1. General information about this Act and the regulations. 	<p>Wetlands Statutes and Information. (Link1)</p> <p>Threatened and Species at Risk. (Link1)</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		New York	Ontario		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environmental and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
				2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements entered into under sections 16 and 19 and permits issued under sections 17 and 19. 7. General information about the enforcement of this Act. 2007, c. 6, s. 51.	
24	Additional Filing/Permitting Information	Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.11, subsection (g): Additional requirements and information. The department may, at its discretion, require the applicant to provide reasonable access to the project site by department personnel or their designee for the purpose of assessing the effects of the proposed activity, determine compliance with permit conditions and the endangered and threatened species mitigation plan, and monitoring the effectiveness of any permit conditions or measures required by an endangered and threatened species mitigation plan. Supplemental information that the department determines is necessary to review the permit application may be requested at any time. Nuisance Wildlife Control License: NY ENV 11.0524: The fee for a nuisance wildlife control operator license shall be \$50 paid annually to be deposited in the conservation fund established pursuant to section 83 of the state finance law.	For additional filing and permitting information regarding environmental reviews, please refer to the Environmental Bill of Rights Guide.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)
25	Timing (high-level)	Nuisance Wildlife Control License and Incidental Take Permit: Part 175.4: The department will determine if an application is complete for review. Incomplete or vague applications will be returned to the applicant with a request for additional information within 30 calendar days after receipt of the application. The application review time period will not begin until the department has determined that an application is complete. The Department will mail their decision, either a license or permit, or a statement of denial, to the applicant within 45 calendar days after receipt of the completed application.	Not applicable.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)
26	Lifetime for Permit or Authorization (if applicable)	Nuisance Wildlife Control License 1-year (October 1 - September 30) Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.12, subsection (c) Permit term: The permit term of an incidental take permit issued pursuant to this Part will run concurrently with the duration of an implementation agreement approved by the department pursuant to section 182.11(e) of this Part. Subsection (d) Renewal: A permittee whose activity may result in an incidental take beyond the period of time covered in the applicable incidental take permit or implementation agreement must file for renewal of the permit at least 60 days prior to its expiration. Filing for renewal shall be made by the permittee on forms provided by the department. A filing for renewal shall be subject to the procedures and standards for review of an application for a new incidental take permit.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

		New York	Ontario		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>New York Department of Environmental Conservation</i>	<i>Ontario Ministry of the Environmental and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
27	Reporting Requirements	<p>Section 175.6 Special Provisions</p> <p>(e) Any person who has been issued a license or permit pursuant to this Part consents to allow any authorized representative of the department access to enter upon his or her premises to conduct inspections for compliance with license or permit conditions or to take any action it deems necessary to stop or mitigate any threat to the health and welfare of fish or wildlife populations or the human population resulting from activities authorized pursuant to his or her license or permit.</p> <p>Section 182.11 Incidental take permit; specific application requirements</p> <p>Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department.</p> <p>(1) The measures the applicant will undertake to minimize and fully mitigate impacts to any species listed as endangered or threatened in this Part for which the incidental take permit application is being submitted. All proposed measures shall be capable of successful implementation, and shall be legally, technologically, economically and biologically practicable;</p> <p>(2) Data and information to ensure that the taking sought to be authorized by the incidental take permit will not reduce the likelihood of the survival or recovery of the species in New York;</p> <p>(3) A proposed method for monitoring the effectiveness of the plan; and</p> <p>(4) A description of the funding source, the level of funding, and the guarantee or assurance of funding that the applicant will provide to implement the endangered or threatened species mitigation plan including but not limited to bonds, insurance, or escrow.</p> <p>Nuisance Wildlife Control License:</p> <p>NY ENV 11.0524: Any person with a Nuisance Wildlife Control License shall submit annually a report to the department which specifies each client's name and address, the date work was performed, the species controlled, the abatement method used, the disposition of the animal, and any other information as required by the department.</p>	<p>Restoration plans</p> <p>Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1).</p> <p>Restoration plans: purposes</p> <p>(2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for,</p> <p>(a) the prevention, diminution or elimination of the harm;</p> <p>(b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and</p> <p>(c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1)</p> <p>Threatened and Species at Risk. (Link1)</p>

Table 15. Regulations – Vermont, Quebec

		Vermont	Quebec
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Vermont Department of Public Service</i>	<i>Regie de l'energie Quebec</i>
0A	Applicable If	A utility proposes to construct or operate an electric transmission project in Vermont.	An electric utility proposes to operate or construct a project in Quebec.
1	Statute or Regulation	Title 30 Vermont Statutes Annotated Section 248. 30VSA248	An act respecting the Régie de l'énergie. RE1996
2	Regulated Activity	The Vermont Public Service Board regulates energy utilities.	The Regie de l'energie Quebec regulates the rates and conditions for the electric power transmission sector.
3	Application Procedure/Process	<p>Utilities must submit an application for a Certificate of Public Good to the Commission to construct a utility project. At least 45 days prior to filing a petition for the certificate, the applicant must submit proposed project plans to municipal and regional planning commissions and legislative bodies. The proposed plan must include a detailed project summary, construction plans, and aesthetic impact analysis. To file a certificate application, the applicant must submit copies of the application to the Clerk of the Public Service Board, the Department of Public Service, Agency of Natural Resources, Attorney General's Office, Department of Health, Vermont Division of Historic Preservation, Scenery Preservation Council, State Planning Office, Agency of Transportation, and Agency of Agriculture. The Certificate application must include:</p> <ul style="list-style-type: none"> • A project description, the VSA the application is being reviewed under, and contact information • Notice of appearance • Certificate of service • Pre-filed testimony • All application criteria are met as specified in Tile 30 VSA 248. <p>Application criteria include project justification, system stability and reliability, economic benefit, aesthetics, historic sites, air and water purity, natural environmental, public health and safety, consistency with integrated resource plan, compliance with state electric energy plan, outstanding resource waters, waste to energy facilities, and existing or planned transmission facilities. Impact analysis criteria must be completed in accordance with Act 250 Natural Resources Board.</p> <p>Once the Certificate application is filed, a prehearing conference will be held to determine the docket schedule. The Board or Hearing Officer usually visits the site in the interim between application submission and the public hearing. A public hearing is held after the application is deemed complete and the Commission receives informal public comments and concerns about the project proposal. Following the public hearing, the Commission holds a technical hearing and required parties to complete briefs. The Commission can propose a decision and receive feedback or issue a final decision.</p> <p>The Department of Public Service and the Agency of Natural Resources are automatically considered parties and can actively participate in evidentiary or technical hearings, along with other registered parties and interveners.</p>	<p>Utilities must file an application to the Régie de l'énergie (Commission) to carry out any electric power transmission activities. Applications are examined and decided by three Commissioners.</p> <p>The application must include:</p> <ul style="list-style-type: none"> • Identification of economic, social, and environmental concerns • Sales forecasts and expected distribution obligations • Economic feasibility of the project • Technical requirements <p>Link The Board is required to hold a public meeting and must issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing.</p> <p>The Commission may require participants to submit comments in writing. The Commission reserves the right to hold a pre-hearing conference with all proceeding participants.</p> <p>The applicant must submit a tender solicitation and contract awarding procedure to ensure inclusion of interested parties, as specified in Section 74.1.</p> <p>The Commission must make a final decision after the tender solicitation and contract awarding procedure is submitted.</p> <p>The Board is required to publish all decisions in the Gazette officielle du Quebec and send a copy to the Minister.</p>
4	Public Notification	All scheduled hearings are noticed and published on the Commission's website for public accessibility. The applicant must submit a description of the project proposal and impact analysis to local and regional planning commissions and boards, local municipalities, local legislators, and land owners at least 45 days before the certificate application can be filed with the Commission.	The Board is required to issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission is also required to public a notice of application in the Gazette officiette due Quebec and in daily local newspapers.
5	Public Involvement Requirements	The public can submit an informal comment at any point during the certificate review process. The Commission holds a public hearing to solicit public feedback and all documents and hearings regarding the certification application are open and available to the public. The public can apply for intervener status or groups can apply to be parties allowing them to actively participate in the evidentiary hearing.	In the Notice of application, the public will be notified of the application, the public hearing, and informed how to participate. The public can submit an application to become an intervener and actively participate in the public hearing. The Commission may ask the applicant to financial support public participants.
6	Additional Filing/Permitting Information	Applicants must apply for all applicable federal or state permits such as Conditional Use Determination for impacts to wetlands, storm water permits.	Not applicable.
7	Timing (high-level)	Any appeal to a final decision by the Board must be filed within 30 days of filing of the Board Order.	The Commission must make a final decision within 90 days after the tender solicitation and contract awarding procedure is submitted.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
9	Reporting Requirements	VSA 30 22 and Public Service Board Rule 3.800. Electric utilities are required to submit annual reports to FERC.	Utilities are required to submit an annual report to the Commission that includes capitol stock, assets, liabilities, revenues, price and rate changes, and any other required information.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Vermont		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>		<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
9A	Applicable If			If a developer proposes a transmission line over 75kV it is subject to assessment and review.
10	Statute or Regulation			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
11	Regulated Activity			No person may undertake or carry out a project referred to in Schedule A of the Environment Quality Act (R.S.Q., c. Q-2), i.e., a project that is automatically subject to the environmental and social impact assessment and review procedure, or a project that falls into the "grey zone," i.e., a project that is not automatically exempt from this procedure (Schedule B of the Act), in a northern region (territory covered by an agreement) unless a certificate of authorization or an attestation of exemption of the project has been issued by the Minister, in accordance with sections 154 and 189 of the Act. Projects subject to assessment and review procedure: All electric power transmission lines of over 75 kV. Projects exempt: All control or transformer stations of a voltage of 75 kV or less, or electric power transmission lines of a voltage of 75 kV or less.
12	Application Procedure/Process			Project proponents may use this preliminary information form (Word, 141 ko) to request a certificate or attestation. The proponent must submit at least fifteen (15) hard copies of the preliminary information and at least fifteen (15) electronic copies in PDF (Portable Document Format) all in French. The proponent should also submit five (5) hard copies and five (5) electronic copies in English. Additional copies may be requested depending on the scope of the project.
13	Public Notification			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
14	Public Involvement Requirements			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
15	Additional Filing/Permitting Information			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
16	Timing (high-level)			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
18	Reporting Requirements			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
		Vermont		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
18A	Applicable If	The proposed transmission line project affects the state's water resources and wetlands.	The proposed transmission line project may affect the state's wildlife.	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)
19	Statute or Regulation	Title 29, Chapter 11 Management of Lakes and Ponds - Lake Encroachment Permit Program. Shoreland Protection Act. (Chapter 49A of Title 10, Section 1441 et seq.) Vermont Wetland Rules Vt. Code R. 12 004 056.	Vermont's Endangered Species Law (10 V.S.A. Chap. 123). Obstructing Streams 10 V.S.A. Section 4607.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)
20	Regulated Activity	Lake Encroachment Permit Program Projects encroaching on public waters such as docks, walls, boathouses, bridges, water intakes, cables, dredging, or fill, may require a permit. Lake Encroachment Permits (LEP) are issued under 29 V.S.A. Chapter 11 (Management of Lakes and Ponds), which	No person shall take or possess an endangered or threatened species, except when exempted as provided for in 10 V.S.A. § 5408. Section 4.2 Pursuant to 10 V.S.A. § 5408(a) the Secretary may, after receiving the advice of the Endangered Species Committee, grant permits for the taking and possession of an endangered or threatened species: for scientific purposes; to enhance the	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

	Vermont		Quebec
<p>RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i></p>	<p><i>Vermont Department of Environmental Conservation</i></p>	<p><i>Vermont Fish and Wildlife Department</i></p>	<p><i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i></p>
	<p>regulates encroachment in public waters. The goals of this program are to minimize the encroachment on public waters as well as ensure that projects do not adversely affect the public good and are consistent with the Public Trust Doctrine.</p> <p>Shoreland Protection Act Any new development, redevelopment, or clearing of a property, may require a permit or registration. Shoreland development within 250 feet of a lake’s mean water level for all lakes greater than 10 acres in size. The intent of the Act is to prevent degradation of water quality in lakes, preserve habitat and natural stability of shorelines, and maintain the economic benefits of lakes and their shorelands. The Act seeks to balance good shoreland management and shoreland development.</p> <p>Vermont Wetlands Rules Section 6 Allowed Uses Section 6.08 The routine repair and maintenance of utility poles, lines and corridors in a manner which minimizes adverse impacts and is accordance with Best Management Practices developed by the Secretary. Section 6.13: Emergency repair, cleanup, or maintenance of structures and facilities (including utility poles and lines, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings), or emergency actions required to provide for public health, safety and welfare for disaster relief in connection with a federal or state-designated disaster. Section 6.22: The installation of a new overhead utility line that does not involve extensive tree clearing, with three poles or fewer in the wetland or buffer zone, in compliance with Best Management Practices developed by the Secretary. Section 9 Permits: Activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use or authorized by a permit, conditional use determination or order issued by the Secretary The Secretary may impose any conditions in such a permit that are deemed necessary to achieve the purposes of these rules. The Secretary may issue a permit authorizing an activity occurring within a Class I wetland only to meet a compelling public need to protect public health or safety. Permit shall not be required for: 1. Any activity that occurred before the effective date of 10 V.S.A. § 913 unless the activity occurred within: a. an area identified as a wetland on the VSWI maps as they existed on the date the activity commenced; b. a wetland that was contiguous to an area identified as a wetland on the VSWI maps; or c. the buffer zone of a wetland referred to in a. or b. above. 2. Any construction within a wetland that is identified on</p>	<p>propagation of species; to prevent or mitigate economic hardship; for zoological exhibition; for educational purposes; for noncommercial cultural or ceremonial purposes to a person for the collection and possession of a dead salvage bird or parts thereof, including bird feathers, provided that the permit issued complies with federal requirements regarding collection and possession of migratory birds and the bird was legally acquired, transferred from an individual who acquired it legally, or found dead and the permittee had no part in the intentional killing of the bird, or for special purpose consistent with the purpose of the Federal Endangered Species Act (see 16 U.S.C. § 1531(b)).</p> <p>Section 4607. Obstructing streams (a) A person shall not unless authorized by the commissioner, prevent the passing of fish in a stream or the outlet or inlet of a natural or artificial pond on a public stream, by means of a rack, screen, weir, or other obstruction, and shall comply with the terms of the notice provided in subsection (b) of this section. (b) The commissioner may order such an obstruction removed by the person erecting the same or by the owner of the land on which it is located, by serving on such person or owner a written notice requiring the removal of such obstruction within ten days after service thereof. When such person fails to remove any such obstruction within the time required in such notice, the commissioner may remove the same and recover the expense thereof in a civil action on this section.</p>	

		Vermont		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		the VSWI maps as they existed on the date the activity commenced, or within the buffer zone of such a wetland, provided that the construction was completed prior to February 23, 1992, and no action for which a permit or conditional use determination was required under these rules was taken or caused to be taken on or after February 23, 1992.		
21	Application Procedure/Process	<p>Lake Encroachment Permit Application</p> <p>Shoreland Protection Act Application</p> <p>If your proposed project is not exempt or allowed, fill out an Inquiry Form and submit it to the Shoreland Permit Program. The Inquiry sheet will tell program staff about your proposal and serve a request for determination about whether the proposal qualifies as a Registered project or will need a Permit. Submitting an Inquiry form early in your planning process is recommended so that likely permit conditions can be taken into account.</p> <p>If your proposal qualifies as a Registration project, fill out the Registration form found on the Shoreland Permit Program website, or call the program and ask for one to be mailed to you.</p> <p>If your proposal needs a Shoreland Permit, complete the Permit Application Form found on the Shoreland Permit Program website, or call the program and ask for one to be mailed to you.</p> <p>Wetlands General Permit 9.8 Application for Authorization Under a General Permit (for Class II wetlands)</p>	<p>An applicant for a Takings and Possession permit shall submit an administratively complete application to the Secretary, specifying for which purpose(s) the permit is required, as listed in 10 V.S.A. § 5408(a).</p> <p>LEPA SPAA</p> <p>Information required for stream obstruction application includes the following: Description and location of proposed activity, name of waterbody.</p>	<p>AETSTP SOA</p> <p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>
22	Public Notification	<p>Once an application is complete, it is sent with a request for comments to adjoining landowners; local, regional and state offices; and other interested persons. The Watershed Management Division may conduct investigations, meetings, and site evaluations to verify information contained in an application.</p> <p>Lake Encroachment Permit:</p> <p>29 VSA 11.405: Written notice of each application shall be given by the department to abutting property owners, the selectmen of the town in which the proposed encroachment is located, and other persons as it considers appropriate. Notice of the public information meeting shall be provided to all persons who have filed written comments within the notice period, and to other persons as the department considers appropriate.</p> <p>The department shall give written notice to the abutting property owners and other persons considered appropriate, of the action taken in approving a permit or denying the application within 5 days of taking action.</p> <p>Shoreline Permit:</p> <p>Once deemed “administratively complete,” ANR will post the Registration Form on their website for 15 days for informational purposes. Note, under the law, Registration applications are not subject to the same public notice process as permit applications.</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>

		Vermont		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		<p>Wetlands Permit: Part 9 c. Notice The Secretary shall publish notice of any proposed general permit in no fewer than three daily newspapers that collectively circulate throughout the state. The Secretary shall also provide notice by email to the Panel and by direct mail or email to all persons requesting such notice prior to or during the comment period. Copies of any proposed general permit shall be posted on the Agency of Natural Resources website, and shall be available for review during normal office hours at the Wetlands Office of the Department of Environmental Conservation in Waterbury, each regional office of the Agency of Natural Resources and such other location as the Secretary may direct. The notice shall: (1) accurately summarize the proposed general permit(s); (2) indicate where copies can be obtained; and (3) provide at least 45 days in which to file written.</p>		
23	Public Involvement Requirements	<p>Lake Encroachment Permit: 29 VSA 11.405: The notice of application shall provide not less than 10 days for the filing of written comments by any interested persons. Upon receipt within the notice period of a request from a municipality, or 25 or more persons in interest, the department shall hold a public information meeting. 10 VSA 8504: Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the secretary, a district coordinator, or a district commission or any party by right, may appeal to the environmental division.</p> <p>Shoreline Permit: At the time an applicant submits a permit application to ANR, they shall also provide a copy of the application form to the municipal clerk of the municipality in which the impervious surface or cleared areas are proposed. The municipality may post the application in the town clerk's office.</p> <p>Wetlands: Part 9.3 Notice of Request for Public Comment on Individual Permit Application The Secretary shall provide an opportunity for public comment by sending a notice of a permit application to all towns wherein the affected wetland area or buffer zone is located and to all persons owning property within or adjacent to the affected wetland area or buffer zone with a request that the notice be posted for no less than 15 days. The Secretary may provide additional notice of the permit application and may conduct a public meeting to receive additional public comment. Part 9 d. Public Meeting Request (for General Permit) Any request for a public meeting shall be submitted to the Secretary in writing during the public comment period. The Secretary shall hold a public meeting if there is a demonstrated interest in such a meeting. The Secretary shall publish notice of any public meeting at least thirty (30) days prior to the meeting. Notice shall be given in the same manner as notice of the draft general permit.</p>	<p>Part 4.7 Hearings a. The Secretary may conduct a non-adversarial, public hearing in order to evaluate the application. Such a hearing will be held within 60 (sixty) days of the receipt of the administratively complete application. b. When a petition has been denied and no public hearing has been held, the Applicant may request in writing to the Secretary that a hearing be held regarding the proposed activity. The Secretary will conduct a hearing within 30 days of receipt of the request.</p>	<p>Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)</p>
24	Additional Filing/Permitting	Not applicable.	Part 4.5 Avoidance and Minimization	Wetlands Statutes and Information. (Link1)

		Vermont		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
	Information		<p>a. Applicants for Takings and Possession permits shall have the burden to show that reasonable steps have been taken in to avoid and minimize takings. The Applicant shall provide information that demonstrates:</p> <p>i. The proposed activity cannot practicably be designed to avoid taking and still satisfy the basic project purpose; and</p> <p>ii. If avoidance of taking of a listed species cannot practicably be achieved, the proposed activity has been planned to minimize adverse impacts on the listed species.</p>	Threatened and Species at Risk. (Link1) Link1
25	Timing (high-level)	<p>Shoreline Permit: The registration applicant must wait 15 days after submitting their complete Registration Form before starting their proposed project, unless otherwise notified by the Shoreland Permit Program. During this period of time, ANR may request additional information or may notify an applicant that a Shoreland Permit is required for the project rather than a Registration. If an applicant is not notified by the Shoreland Permit Program, other than a confirmation that a Registration Form was received, after 15 days their project is automatically approved.</p> <p>Lake Encroachment Permit: 60-90 days for final decision to be issued once an application is considered complete.</p> <p>Wetland Section 9 Permits: VT Code R. 12.004.056.9.2: The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may dismiss the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary’s request.</p> <p>VT Code R. 12.004.056.9.3: The Secretary shall send a notice of a permit application to all towns wherein the affected wetland area or buffer zone is located and to all persons owning property within or adjacent to the affected wetland area or buffer zone with a request that the notice be posted for no less than 15 days</p> <p>VT Code R. 12.004.056.9.6: Within 15 days of the date of the decision, the applicant, any person entitled to notice, or any person who filed written comments regarding the permit application may request in writing reconsideration by the Secretary. If the Secretary fails to act on a request for reconsideration within 20 days of its filing, the request shall be deemed to be denied.</p>	<p>Part 4.9 The Secretary shall inform an applicant of a decision to approve or deny a permit no more than 60 (sixty) days following an application being deemed administratively complete unless the Secretary determines there is just cause.</p> <p>Stream Obstruction: 30-60 days from receipt of request. Review may include on-site inspection by fisheries biologist.</p>	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>
26	Lifetime for Permit or Authorization (if applicable)	<p>Shoreline Permit Registrations are issued for an indefinite period of time provided the land-owner complies with the requirements of the Registration and takes no additional action for which a permit is required.</p> <p>Wetlands Rules An individual wetland permit shall remain valid for one year from the date of issuance unless the Secretary specifies a longer period not to exceed five years. A general permit shall be issued for a specified period of time not to exceed five (5) years from the date of issuance. Authorizations issued by the Secretary pursuant to a general permit shall be valid for a specified period of time not to</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		Vermont		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		exceed five (5) years.		
27	Reporting Requirements	Wetlands Rules Part 9.5 Individual Permit Review Standards (4) measures shall be designed to be self-sustaining following the period for which monitoring or management is required.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

Table 16. Regulations – New Hampshire, Quebec

		New Hampshire	Quebec
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>New Hampshire Public Utilities Commission</i>	<i>Regie de l'energie Quebec</i>
0A	Applicable If	A utility proposes to operate or construct an electric project in New Hampshire.	An electric utility proposes to operate or construct a project in Quebec.
1	Statute or Regulation	New Hampshire Statutes RSA 362:2 Public Utilities New Hampshire Statutes RSA 162-H Energy Facility Evaluation, Siting, Construction and Operation New Hampshire Statutes RSA 21-G:10	An act respecting the Régie de l'énergie. RE1996
2	Regulated Activity	The New Hampshire Public Utilities Commission regulates electric utilities.	The Regie de l'energie Quebec regulates the rates and conditions for the electric power transmission sector.
3	Application Procedure/Process	Utilities must apply for a Certification of Site and Facility to the Site Evaluation Committee in order to build and operate utilities. The applicant must hold at least one public information meeting before filing the application and publish an application notice. The applicant must also hold a public information session after the acceptance of the certification application. The Committee is composed of members from the public utilities commission, department of environmental services, department of resources and economic development, department of transportation, department of cultural resources, and two members of the public. The Certification application must include: <ul style="list-style-type: none"> Type and size of the proposed project Alternatives to the proposed project and reasons why the proposed project was chosen Environmental impact analysis and a proposal to study and solve environmental problems Financial, technical, and managerial plans for construction and operation of the proposed project Description of the project Cost benefit analysis of the project The Committee must decide to accept or reject the application within 60 days of filing. If the Committee decides to accept the application, at least one public hearing is held in each county affected by the proposed project. All public hearings are Joint hearings, with participation from permitting or regulatory authorities. After the review process is complete, The Committee issues a final decision to approve or deny the Certification application.	Utilities must file an application to the Régie de l'énergie (Commission) to carry out any electric power transmission activities. Applications are examined and decided by three Commissioners. The application must include: <ul style="list-style-type: none"> Identification of economic, social, and environmental concerns Sales forecasts and expected distribution obligations Economic feasibility of the project Technical requirements The Board is required to hold a public meeting and must issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission may require participants to submit comments in writing. The Commission reserves the right to hold a pre-hearing conference with all proceeding participants. The applicant must submit a tender solicitation and contract awarding procedure to ensure inclusion of interested parties, as specified in Section 74.1. The Commission must make a final decision after the tender solicitation and contract awarding procedure is submitted. The Board is required to publish all decisions in the Gazette officielle du Quebec and send a copy to the Minister.
4	Public Notification	All documents and hearings are open to the public. Notices of applications and public hearings are required and are to be published in local newspaper. The applicant must hold at least one public information session 30 days before filing the application and must publish a notice in the local newspaper 14 days prior to the session. The applicant must also hold a public information session in each county affected by the proposal 45 days after the acceptance of the certification application.	The Board is required to issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission is also required to public a notice of application in the Gazette officiette due Quebec and in daily local newspapers.
5	Public Involvement Requirements	The public can submit comments at any time during the application process and can make a comment during public hearings. Any person can file a petition to become an intervener or party and actively participate in the public hearings.	In the Notice of application, the public will be notified of the application, the public hearing, and informed how to participate. The public can submit an application to become an intervener and actively participate in the public hearing. The Commission may ask the applicant to financial support public participants.
6	Additional Filing/Permitting Information	The Committee requires that all relevant permitting bodies submit their final decision to the Committee within 240 days of application acceptance. Permits from the Department of Energy and the National Environmental permit are typically required.	Not applicable.
7	Timing (high-level)	The Committee will accept or deny the Certification application within 365 days of acceptance of the application. A person must request a rehearing of a decision within 30 days of the Committee Decision.	The Commission must make a final decision within 90 days after the tender solicitation and contract awarding procedure is submitted.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
9	Reporting Requirements	The commission requires monthly and quarterly reports regarding safety, financial, and consumer report information. The Commission also requires annual reports from utilities. The Committee must report to the Commission and provide budget requests and any other information.	Utilities are required to submit an annual report to the Commission that includes capitol stock, assets, liabilities, revenues, price and rate changes, and any other required information.
		New Hampshire	Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
9A	Applicable If		If a developer proposes a transmission line over 75kV it is subject to assessment and review.
10	Statute or Regulation		Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

		New Hampshire		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>		<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
11	Regulated Activity			No person may undertake or carry out a project referred to in Schedule A of the Environment Quality Act (R.S.Q., c. Q-2), i.e., a project that is automatically subject to the environmental and social impact assessment and review procedure, or a project that falls into the "grey zone," i.e., a project that is not automatically exempt from this procedure (Schedule B of the Act), in a northern region (territory covered by an agreement) unless a certificate of authorization or an attestation of exemption of the project has been issued by the Minister, in accordance with sections 154 and 189 of the Act. Projects subject to assessment and review procedure: All electric power transmission lines of over 75 kV. Projects exempt: All control or transformer stations of a voltage of 75 kV or less, or electric power transmission lines of a voltage of 75 kV or less. Link
12	Application Procedure/Process			Project proponents may use this preliminary information form (Word, 141 ko) to request a certificate or attestation. The proponent must submit at least fifteen (15) hard copies of the preliminary information and at least fifteen (15) electronic copies in PDF (Portable Document Format) all in French. The proponent should also submit five (5) hard copies and five (5) electronic copies in English. Additional copies may be requested depending on the scope of the project. DGEEF
13	Public Notification			Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
14	Public Involvement Requirements			Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
15	Additional Filing/Permitting Information			Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
16	Timing (high-level)			Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
18	Reporting Requirements			Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
		New Hampshire		Quebec
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
18A	Applicable If	This agency has jurisdiction if the proposed transmission line may affect the state's water resources and wetlands.	This agency has jurisdiction if the proposed transmission line could impact the state's wildlife.	Environmental Assessment Legislation (Link1) Link1 Environmental Quality Act (R.S.Q., c. Q-2) (Link2) Link2
19	Statute or Regulation	RSA 482-A:3, XV Excavating and Dredging Permit; Certain Exemptions Env-Wt 303.04 (af) Minimum Impact Projects (see Env-Wt 100-900 Wetlands Rules) Wetlands Rules Env-Wt 100-800 TITLE L WATER MANAGEMENT AND PROTECTION CHAPTER 482-A FILL AND DREDGE IN WETLANDS	TITLE XVIII Fish and Game CHAPTER 212-A Endangered Species Conservation Act RSA Fis 804	Wetlands Statutes and Information. (Link1) Link1 Threatened and Species at Risk. (Link1) Link1
20	Regulated Activity	Require a permit for all impacts (disturbance, fill, and dredge) whether temporary or permanent. Env-Wt 303.04 Minimum Impact Projects. A minimum impact project shall be any project that meets any of the following criteria and does not meet any of the criteria specified in Env-Wt 303.02 or Env-Wt 303.03: Section (i): Construction of a temporary crossing of a brook, stream, or river for the construction or maintenance of utility pipes or lines, provided the crossing:	The state should assist in the protection of species of wildlife which are determined to be threatened or endangered elsewhere pursuant to the endangered species act by prohibiting the taking, possession, transportation or sale of endangered species and by carefully regulating such activities with regard to threatened species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this chapter. Section 212-A:7	Wetlands Statutes and Information. (Link1) Link1 Threatened and Species at Risk. (Link1) Link1

		New Hampshire		Quebec
RESPONSIBLE AUTHORITY		<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
<i>Environmental Protection Agencies by Subject Matter</i>				
		<p>(1) Is not in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);</p> <p>(2) Is not within 100 feet of the highest observable tide line;</p> <p>(3) Is removed within 2 years of the date the permit by notification under RSA 482-A:3, XV is issued by the department, provided that if weather conditions preclude the removal of the crossing when the work is completed, the crossing may remain in place until weather conditions allow its removal;</p> <p>(4) Does not meet the criteria of Env-Wt 303.02(k); and</p> <p>(5) Does not access property that has been converted from forestry uses to non-forestry uses, except that forestry uses may be combined with normal agricultural operations or trail construction or maintenance, or both;</p> <p>Env-Wt 304.13 Utility Crossings.</p> <p>Section (a): Crossings of surface waters or wetlands by utilities shall be kept to a minimum and shall be located to minimize impact in accordance with Env-Wt 302.04.</p> <p>Section (b): The width of the impact shall be kept to that necessary for safe operation of machinery and safety of workers. Supplies and spoils shall not be stockpiled in wetlands. Spoils means the material that is removed as the result of dredging.</p> <p>I Mats shall be used when their use will reduce the impact on the wetland.</p> <p>Section (d): Projects shall not endanger navigation, recreation, or commerce of the general public.</p> <p>I Siltation control devices shall be used in accordance with Env-Wt 304.06 as appropriate.</p> <p>Section (f): Crossings shall be restored to natural grade, stabilized, and replanted with native vegetation.</p>	<p>212-A:7 Prohibited Acts. –</p> <p>Section I: With respect to any endangered or threatened species, it is unlawful, except as provided in RSA 212-A:7, II for any person to:</p> <p>(a) Export any such species from this state;</p> <p>(b) Take any such species within this state;</p> <p>I Possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such species;</p> <p>(d) Violate any rule adopted under this chapter pertaining to the conservation of such species of wildlife listed pursuant to RSA 212-A:6, IV.</p> <p>Section II: The executive director may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by this section for scientific purposes or to enhance the propagation or survival of the affected species.</p> <p>Section 212-A:8</p> <p>Conflicts; State and Local Laws. –</p> <p>Any law, regulation or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation or shipment of species determined to be an endangered species or threatened species is void to the extent that it may effectively:</p> <p>I. Permit what is prohibited by this chapter or by any rule adopted under this chapter;</p> <p>II. Prohibit what is authorized pursuant to an exemption or permit provided for in this chapter or in any rule adopted under this chapter. This chapter shall not be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife or plants.</p>	
21	Application Procedure/Process	<p>Criteria and Conditions for Permits CCP</p> <p>Wetlands Utility Maintenance Notification Application WUMNA</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>
22	Public Notification	<p>CHAPTER 482-A</p> <p>FILL AND DREDGE IN WETLANDS (d) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:</p> <p>(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice.</p> <p>Env-Wt 803.08 Notification of Decision on a Proposed In-Lieu Fee Payment.</p> <p>(b) The department shall notify the applicant and the town in which the project is located in writing of its decision on the proposal.</p>	<p>Section 212-A:6</p> <p>b) Except with respect to species of wildlife determined to be endangered or threatened pursuant to the endangered species act, the executive director shall, upon petition of an interested person who presents substantial evidence that warrants a review, conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to this paragraph. The executive director shall give public notice of the review.</p>	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>
23	Public Involvement Requirements	A complete application form that has been signed by the town or city clerk of the municipality in which the property is located or, if	212-A:14 Adequate Advance Notice. The executive director shall publish or disseminate any scientific data to organizations	<p>Wetlands Statutes and Information. (Link1) Link1</p> <p>Threatened and Species at Risk. (Link1) Link1</p>

		New Hampshire		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		the property is located in more than one municipality, by the city or town clerk of each such municipality, certifying that the municipality has received 4 copies of the form and attachments as provided in subparagraph (a)(2). The town or city clerk shall send a copy of the form and attachments to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and shall retain one copy to be made reasonably accessible to the public. The public may also request a public hearing.	representing farmers and other landowners whose land includes habitat used by any endangered or threatened species, indicating that action is contemplated to preserve said species. This information shall be made available as soon as possible and well in advance of any action taken under this chapter to preserve the endangered or threatened species.	
24	Additional Filing/Permitting Information	Best Management Practices Manual Modification/Amendments Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area requires a new application according to RSA 482:A-3, XIV(e) and RSA 482-A:3,I. How to Ensure Your Permit Application is Accepted	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)
25	Timing (high-level)	Part (3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve the application, in whole or in part, and issue a permit; or (B) Deny the application and issue written findings in support of the denial; or (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant; or Part (4) Where no request for additional information is made pursuant to subparagraph (a)(2), within 75 days from the issuance of the notice of administrative completeness for proposed projects under one acre of jurisdictional impact, or 105 days for all others: (A) Approve the application, in whole or in part, and issue a permit; or (B) Deny the application and issue written findings in support of the denial; or (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant. Part (5) Where the department has held a public hearing on an application filed under this chapter, within 60 days following the closure of the hearing record, approve the application in whole or in part, and issue a permit or deny the application and issue written findings in support of the denial. (b)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)

		New Hampshire		Quebec
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>
		<p>the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.</p> <p>(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:</p> <p>(A) Approve the application, in whole or in part, and issue a permit; or</p> <p>(B) Deny the application and issue written findings in support of the denial.</p>		
26	Lifetime for Permit or Authorization (if applicable)	<p>Issued permits and completed permit by notifications shall have a duration of 5 years.</p> <p>Requests for extensions of such permits may be made to the department. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:</p> <p>(1) The permit for which extension is sought has not been revoked or suspended without reinstatement.</p> <p>(2) Extension would not violate a condition of law or rule.</p> <p>(3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit.</p> <p>(4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.</p> <p>Utility Maintenance Notifications are valid for one year from the Notification Completion Date as found on the DES One Stop website.</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1)</p> <p>Threatened and Species at Risk. (Link1)</p>
27	Reporting Requirements	<p>Excavating and Dredging Permit; Certain Exemptions</p> <p>Part (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.</p> <p>Wetlands: Env-Wt 806.02 Annual Monitoring Report.</p> <p>(a) The permittee on a project for which mitigation includes wetlands restoration or creation, or both, shall submit an annual monitoring report to the department each year on the date specified in the permit for the time period specified in (b), below.</p> <p>(b) The annual monitoring report shall document that the hydrology of the mitigation site(s) is appropriate and the area has a 75% success rate of coverage of non-invasive hydrophytic vegetation after 3 full growing seasons following completion of the mitigation work or following additional remedial measures taken as identified in Env-Wt 806.03.</p>	Not applicable.	<p>Wetlands Statutes and Information. (Link1)</p> <p>Threatened and Species at Risk. (Link1)</p>

Table 17. Regulations – Maine, Quebec, New Brunswick

		Maine	Quebec	New Brunswick
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Maine Public Utilities Commission</i>	<i>Régie de l'énergie Québec</i>	<i>New Brunswick Energy and Utilities Board</i>
0A	Applicable If	A utility proposes to construct and operate an electric project in Maine.	An electric utility proposes to operate or construct a project in Quebec.	A utility proposes to construct and operate an electric project in New Brunswick.
1	Statute or Regulation	Maine Revised Statutes Title 35-A Public Utilities. MRS35A 5 MRSA 8001 Maine Administrative Procedure Act. MAPA	An act respecting the Régie de l'énergie. RE1996	Energy and Utilities Board Act. EUBA2006 Electricity Act. EA2004
2	Regulated Activity	The Maine Public Utilities Commission regulates electric utilities. If the construction project is proposed in a statutory corridor, then the Interagency Review Panel shall identify an initial range of value for the use of state-owned land or assets, establish and implement a regular process for soliciting, accepting and evaluating energy infrastructure proposals for use of a statutory corridor, and evaluate and render a decision on an energy infrastructure proposal pursuant to Sec. A-2. 35-A MRSA §122.	The Régie de l'énergie Québec regulates the rates and conditions for the electric power transmission sector.	The New Brunswick Energy & Utilities Board regulates the electricity industry for the province.
3	Application Procedure/Process	Utilities must submit all necessary permit requirements before submitting an application for a Certificate of Public Convenience and Necessity (CPCN) to the Commission. The CPCN application must include: <ul style="list-style-type: none"> • Project summary and description • Procedural history of the project • Construction plans • Cost estimates and customer cost impacts • Project alternatives and costs • System reliability analysis • Project justification • Proof of public need Upon receiving the application, the Commission decides whether or not to hold a public hearing. The Commission's presiding officer may hold prehearing conferences, require parties to file prehearing memoranda, and the officer may decide to issue a prehearing order. The Commission also reserves the right to consult advisory staff in order to settle discussions but all parties must be noticed and given the opportunity to attend the advisory session. After the review process, the Commission will make a final decision in written form and send that decision to all parties involved in the proceedings. 35-A MRSA §122: If the construction project is proposed in a statutory corridor, the project proposal is reviewed by the Interagency Review Panel pursuant to Sec. A-2. 35-A MRSA §122. If proposal is accepted, the panel may enter into negotiations with the potential developer who submitted the proposal regarding a long-term occupancy agreement with the State for the use of the statutory corridor, in accordance with 35-A MRSA §122 subsection E.	Utilities must file an application to the Régie de l'énergie (Commission) to carry out any electric power transmission activities. Applications are examined and decided by three Commissioners. The application must include: <ul style="list-style-type: none"> • Identification of economic, social, and environmental concerns • Sales forecasts and expected distribution obligations • Economic feasibility of the project • Technical requirements The Board is required to hold a public meeting and must issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission may require participants to submit comments in writing. The Commission reserves the right to hold a pre-hearing conference with all proceeding participants. The applicant must submit a tender solicitation and contract awarding procedure to ensure inclusion of interested parties, as specified in Section 74.1. The Commission must make a final decision after the tender solicitation and contract awarding procedure is submitted. The Board is required to publish all decisions in the Gazette officielle du Québec and send a copy to the Minister.	The Board requires applicants to file all evidence with the Board. Evidence required includes: <ul style="list-style-type: none"> • Witness statements • Exhibits • Studies • Financial information A pre-hearing conference is held to address: <ul style="list-style-type: none"> • Intervener status • Type of hearing • Language and timetable of hearing • Intervener witness and evidence • Service, delivery and filing of documents A public hearing is held and transcripts are posted to the Board website. The Board then submits a final order describing their decision and reasons supporting their decision.
4	Public Notification	Notice of Proceeding, Notice of Hearing, and Notice of Decision are filed on the Commission's website and available to the public. All Commission decisions are posted to the Commission's website and available to the public. 35-A MRSA §122: If the construction project is proposed in a statutory corridor the panel shall provide public notice of the availability of the statutory corridor for energy infrastructure development, a description of the type of development anticipated in the statutory corridor and the opportunity for potential developers to submit proposals for use of the statutory corridor.	The Board is required to issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission is also required to public a notice of application in the Gazette officielle du Québec and in daily local newspapers.	The Board requires that the applicant file the application and a Notice of Hearing in various news media. All Board orders are published on the Board website.
5	Public Involvement Requirements	All meetings, public proceedings, and deliberative sessions of the Commission are open to the public. Members of the public petition to become an intervener that allows them to actively participate in the public hearing or present testimony as a public witness. Groups can petition to become parties to actively participate in the public hearing.	In the Notice of application, the public will be notified of the application, the public hearing, and informed how to participate. The public can submit an application to become an intervener and actively participate in the public hearing. The Commission may ask the applicant to financial support public participants.	The public can submit an application to become a formal or informal intervener and allowing them to submit information to the Applicant regarding application evidence and participate in the application process. There is a free associated with all application submissions.

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		Maine	Quebec	New Brunswick
	RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Maine Public Utilities Commission</i>	<i>Regie de l'energie Quebec</i>	<i>New Brunswick Energy and Utilities Board</i>
6	Additional Filing/Permitting Information	All relevant federal and local permit applications must be submitted before submission of the CPCN application to the Commission. Some required permits included Clean Water Act, Section 404 permit as issued by the Army Corps of Engineers, the Site Location of Development Act permit, and the Natural Resources Protection Act permit. 35-A MRSA §122 subsection H: No later than February 1st of each year, the panel shall provide a written report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that documents the activities of and actions taken by the panel under this subsection during the previous calendar year.	Not applicable.	Not applicable.
7	Timing (high-level)	A petition to reopen or reconsider a decision or order of the Commission must be made within 20 days from when the final decision or order was filed.	The Commission must make a final decision within 90 days after the tender solicitation and contract awarding procedure is submitted.	The notice of hearing must be available for public viewing for at least 20 days. The Board must publish its decision 30 days after it is made. After an order is made, any person has 60 days to file a request for a judicial review or 30 days to file a repeal.
8	Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.	Not applicable.
9	Reporting Requirements	Not applicable.	Utilities are required to submit an annual report to the Commission that includes capitol stock, assets, liabilities, revenues, price and rate changes, and any other required information.	The Board is required to submit an annual report to the Minister.
		Maine	Quebec	New Brunswick
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>
9A	Applicable If		If a developer proposes a transmission line over 75kV it is subject to assessment and review.	A project that may have adverse environmental impacts must perform an Environmental Impact Assessment.
10	Statute or Regulation		Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Environmental Impact Assessment Regulation (Regulation 87-83) CEA1987 Clean Environment Act
11	Regulated Activity		No person may undertake or carry out a project referred to in Schedule A of the Environment Quality Act (R.S.Q., c. Q-2), i.e., a project that is automatically subject to the environmental and social impact assessment and review procedure, or a project that falls into the "grey zone," i.e., a project that is not automatically exempt from this procedure (Schedule B of the Act), in a northern region (territory covered by an agreement) unless a certificate of authorization or an attestation of exemption of the project has been issued by the Minister, in accordance with sections 154 and 189 of the Act. Projects subject to assessment and review procedure: All electric power transmission lines of over 75 kV. Projects exempt: All control or transformer stations of a voltage of 75 kV or less, or electric power transmission lines of a voltage of 75 kV or less.	Projects that Must be Registered Under EIA SCHEDULE A Undertakings Specifically all electric power generating facilities with a production rating of three megawatts or more; all electric power transmission lines exceeding sixty-nine thousand volts in capacity or five kilometres in length EIASchA
12	Application Procedure/Process		Project proponents may use this preliminary information form (Word, 141 ko) to request a certificate or attestation. The proponent must submit at least fifteen (15) hard copies of the preliminary information and at least fifteen (15) electronic copies in PDF (Portable Document Format) all in French. The proponent should also submit five (5) hard copies and five (5) electronic copies in English. Additional copies may be requested depending on the scope of the project. DGEES	Guide The first step in the EIA process is registration. As required by Section 5(1) of the EIA Regulation individuals, private firms, or government agencies that propose certain undertakings in New Brunswick must formally register details of their proposals with the Department of Environment and Local Government. GEIANB Section 5 (2) of Regulation 87-83 requires that proponents of the above noted projects deliver a completed registration form to the Minister. A registration document, completed in accordance with the detailed Registration Guide that has been prepared by the Department of Environment and Local Government is deemed to be the completed form.

		Maine	Quebec	New Brunswick
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>
13	Public Notification		Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	<p>OC 87-558, section 9.1 (b) when the draft guidelines are prepared, give public notice of that fact (i) by publishing a notice in <i>The Royal Gazette</i>, and (ii) by such further means as he considers appropriate, (c) make copies of those draft guidelines available to the proponent and to the public on request, and (d) in the notice referred to in subparagraph (b)(i), and by such other means as he considers appropriate, invite representations concerning the draft guidelines, such representations to be received by the Minister no more than thirty days after the date on which notice is published in <i>The Royal Gazette</i>.</p> <p>OC 87-558, section 9(2): The Minister, in consultation with the review committee, shall consider any representations made to him concerning the draft guidelines, and shall, no more than sixty days after the date on which notice under subparagraph (1)(b)(i) was published in <i>The Royal Gazette</i>, issue to the proponent final guidelines relating to the substance, scope and conduct of the environmental impact assessment.</p> <p>Section 13. (b) announce by a notice in <i>The Royal Gazette</i> and by such other means as he considers appropriate the times and places at which the documents referred to in paragraph are available to the public,</p> <p>The Minister provides a period of 30 days for receipt of comments on the draft Guidelines. Once this input has been considered, the Minister will issue final Guidelines for the EIA to the proponent. This must be done within 60 days of releasing the draft Guidelines for public comment. Following receipt of the final Guidelines, the proponent must provide the Minister with Terms of Reference that describe in detail the approach that will be used by the proponent's study team during its investigations.</p> <p>Within 30 days of receiving the final Report from the proponent, the Minister releases the combined documentation (the final EIA report, the summary of the final EIA report and the General Review Statement) for public review and comment. The documentation is made available to the public at various places depending on the project location. At the same time, the date(s) and location(s) of one or more public meetings to discuss the EIA information are announced by the Minister through various media, including notification in the Royal Gazette.</p>
14	Public Involvement Requirements		Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	<p>Public Meetings</p> <p>At least one public meeting to discuss an EIA is held near the area where the project is being proposed. The purpose of the meeting is to provide all interested parties with an opportunity to make comments, raise concerns, or ask questions for clarification about any matter covered in the EIA report. Note that this meeting is in addition to any meetings that may have been held by the proponent during the Determination Review.</p> <p>Following such meetings, an additional period of fifteen days is set aside for members of the public to submit further written comments regarding the proposal. At the end of this period, a summary of public participation is prepared based on the written briefs submitted to the Minister, transcripts of public meetings, and any additional comments received following the final public meeting. This summary is released publicly, and copies are sent to every identified person who participated in the public meeting. At the same time, the full package of EIA.</p> <p>Open and transparent public involvement is required for all registered projects. In order to fulfill the requirements of Section 6(1) of the EIA Regulation, the proponent must demonstrate that the affected public and other stakeholders have been given the opportunity to become involved in reviewing the project, and must indicate how the proponent has considered or addressed any resultant questions and concerns. The opportunity for public involvement benefits citizens most when they take an active role at an early stage in the process, and clearly articulate their specific questions or concerns. Additional information about public involvement during the Determination Review is included in Section 6.0 and Appendix C of the Registration Guide at the end of this booklet. Public meeting section 13.</p> <p>Section 14: A public meeting held pursuant to section 13 shall be chaired by a person or persons selected by the Minister, and the proceedings of the meeting shall be documented</p>

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		Maine		Quebec	New Brunswick	
	RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>No Applicable Agency</i>		<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	
					by means of a verbatim transcript. Section 15(1): After the holding of the public meeting, or the last public meeting if more than one, the Minister shall allow a period of fifteen days during which further representations may be made to him concerning the undertaking.	
15	Additional Filing/Permitting Information			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Link1 Link2	Not applicable.
16	Timing (high-level)			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Link1 Link2	The Minister, where he has determined that the completion of an environmental impact assessment is required in relation to an undertaking, shall, within sixty days after the date on which that determination was made, (a) in consultation with the review committee, prepare draft guidelines relating to the substance, scope and conduct of the environmental impact assessment.
18	Reporting Requirements			Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Link1 Link2	“As part of the information submitted at the time of registration, the proponent will typically make a commitment to implement a required mitigation activity...Examples of mitigation include but are not limited to...monitoring plans (pre-construction, during construction, or post-construction as applicable) aimed at verifying predicted impacts and confirming the effectiveness of mitigation measures...” “Note that if the proposed project is allowed to proceed, a condition will normally be attached requiring adherence to all obligations, commitments, monitoring, and mitigation measures presented in the registration document, as well as those identified in subsequent correspondence during the determination review.”
		Maine		Quebec	New Brunswick	
	RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
18A	Applicable If	This agency is responsible for issuing permits for development impacting wetlands and waterbodies.	This agency is responsible for the protection of rare fish, wildlife, and plants from development projects.	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Link1 Link2	This agency is responsible for issuing permits for development impacting wetlands and waterbodies. This agency is responsible for the protection of rare fish, wildlife, and plants from development projects.
19	Statute or Regulation	Natural Resources Protection Act (NRPA) 38 MRS 480-B Section 305 Permit By Rule (PBR) MRS Title 38 Chapter 2 Subchapter A NRPA MRS Title 5, Part 18 Chapter 375, Subchapter 4.	Maine Endangered Species Act (MESA) Link	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1	Clean Water Act Watercourse and Wetland Alteration Regulation (90-80) CWA1989 WWAR90 Species at Risk Act SARA
20	Regulated Activity	The purpose of this section of the Natural Resources Protection Act (NRPA) provides, in part, that: "The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and	A state agency or municipal government may not permit, license, fund or carry out projects that will: A. Significantly alter the habitat identified under section 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or B. Violate protection guidelines set forth in section 12804, subsection 3.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1	Section 28(1) The prohibitions contained in subsections (2), (3) and (5) do not apply in respect of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species unless the regulations provide for their application. Section 28(2) No person shall kill, harm, harass or take any individual that is listed as an extirpated species, an endangered species or a threatened species. Section 28(3) No person shall possess, buy, sell or trade (a) an individual that is listed as an extirpated species, an endangered species

	Maine		Quebec	New Brunswick	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
	<p>environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State."</p> <p>A permit is required when an "activity" will be:</p> <ul style="list-style-type: none"> • Located in, on or over any protected natural resource, or • Located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland, or (B) certain freshwater wetlands. <p>An "activity" is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair or alteration of any permanent structure.</p> <p>Section 480-D. Standards: The department shall grant a permit upon proper application and upon such terms as it considers necessary to fulfill the purposes of this article. The department shall grant a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 1 to 11, except that when an activity requires a permit only because it is located in, on or over a community public water system primary protection area the department shall issue a permit when it finds that the applicant has demonstrated that the proposed activity meets the</p>			activity while the approval is valid.	<p>or a threatened species, or</p> <p>(b) a part or a derivative of an individual that is listed as an extirpated species, an endangered species or a threatened species.</p> <p>Section 28(4) For the purposes of subsection (3), any animal, plant or thing that is represented to be an individual, or a part or derivative of an individual, of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species shall be deemed, in the absence of evidence to the contrary, to be such an individual or a part or derivative of such an individual.</p> <p>Section 28(5) No person shall attempt to do anything set out under subsection (2) or (3).</p> <p>Section 28(6) The prohibition regarding possession in subsection (3) does not apply to the Crown.</p> <p>Permit to possess</p> <p>Section 34(1) Despite any prohibitions under section 28, the Minister may issue a permit to a person to kill an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species, or to take or possess such an individual or any part or derivative of such an individual, if</p> <p>(a) the applicant or predecessor in title legally possessed the individual, or the part or derivative of the individual, before its wildlife species was listed,</p> <p>(b) the applicant is a member of a group that traditionally uses an individual, or a part or derivative of an individual, of the wildlife species for religious or ceremonial purposes, or</p> <p>(c) the individual, or the part or derivative of the individual, is required for scientific research, education or species recovery.</p> <p>Section 34(2) The Minister shall not issue a permit unless, in the opinion of the Minister, there is no reasonable alternative and killing the individual or taking or possessing the individual, or the part or derivative of the individual, will not put the wildlife species at further risk.</p> <p>Permit to engage in activity</p> <p>Section 35(1) Despite any prohibitions under section 28, the prohibitions in a habitat designation made under the regulations or the prohibitions in section 78, the Minister</p>

		Maine		Quebec	New Brunswick	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
		standards set forth in subsections 2 and 5. Section 480-Q. Activities for which a permit is not required Subsection 16 Activities in Coastal Sand Dunes A. (1) Installation or repair of underground utility lines Section 487-A. Hazardous activities; transmission lines				may issue a permit to a person to engage in an activity that would otherwise violate those prohibitions if the Minister is satisfied that (a) the activity is scientific research relating to the conservation of the wildlife species and is conducted by qualified persons, (b) the activity will benefit the wildlife species or is required to enhance its chance of survival in the wild, or (c) the activity will not jeopardize the survival or recovery of the wildlife species and will have only an incidental impact on the wildlife species. Section 35(2) The Minister shall not issue a permit for an activity referred to in subsection (1) unless the Minister is satisfied that (a) all reasonable alternatives to the activity that would reduce the impact on the wildlife species have been considered and the best solution has been adopted, and (b) all reasonable measures will be taken to minimize the impact of the activity on the wildlife species and its habitat.
21	Application Procedure/Process	Permit By Rule Form Application MRS Title 38 Chapter 2 Subchapter A: The Environmental Protection Board prior to holding a hearing on an application over which the board has assumed jurisdiction, the board shall ensure that the department and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application and that the applicant has had an opportunity to respond to those comments and requests. MRS Title 5, Part 18, Chapter 375.4 A public hearing will not be held until a request for a hearing is made under MSA Title 5 section 9052, subsection 1, paragraph A, or a hearing is set by the agency. If a public hearing is held, the proceedings will be conducted	PBRF NRPA For projects located partly or wholly within Essential Habitat as defined by 12 M.R.S.A. Section 12804-2 and this chapter, it is the responsibility of the state agency or municipality considering the permit or license application, or funding or carrying out the project, to obtain the Department's review. The Department will provide forms entitled Request for Project Evaluation. Essential Habitat Review Process: MRS Title 12.13 Chapter 913, 10751: The commissioner shall furnish application blanks, licenses and permits in such form as the commissioner may designate. "Request For Project Evaluation" (MDIFW Form EHR4/03).	RFPE Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Watercourse and Wetland Alteration Permit Application Link1 Watercourse and Wetland Alteration Provisional Permits	WWAPA Link Can't find information on permit application.

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		Maine		Quebec	New Brunswick	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
		pursuant to MRS Title 5, Part 18 Chapter 375 Subchapter 4. MRS Title 5, Part 18 Chapter 375 Subchapter 4 9058: Every agency decision made at the conclusion of an adjudicatory proceeding shall be in writing or stated in the record, and shall include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision shall be delivered or promptly mailed to each party to the proceeding or his representative of record. Written notice of the party's rights to review or appeal of the decision within the agency or review of the decision by the courts, as the case may be, and of the action required and the time within which such action must be taken in order to exercise the right of review or appeal, shall be given to each party with the decision.				
22	Public Notification	B. Notification. The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit. MRS Title 5, Part 18 Chapter 375.4: Notice of the pending license application shall be provided 30 days next prior to the date of the expected date of an agency decision. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection1. When a hearing is required by the Constitution of Maine, the applicable law or by agency regulation or has been requested pursuant to subsection 1, notice of the hearing shall be provided 30 days next prior to the scheduled initial hearing. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection2.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Section 16(1): At any time after an application has been submitted under this Regulation, the Minister may require the person submitting the application or the person on whose behalf the application is submitted to do any of or any combination of the following: (a) publish notice of the application in The Royal Gazette and in such newspaper as the Minister may require, including in the notice such details of the application as the Minister may require; Link1 Link1 (b) serve a copy of the notice of application upon such persons as the Minister may require; (c) attend at any public meeting arranged by the Minister; or (d) make submissions with respect to the application. Section (1), any person may file with the Minister a written objection to the issuance of the permit sought at any time within thirty days after the publication or service.	Permits published Section 41 The Minister shall publish without delay in the public registry all permits issued under paragraph 35(1)(c).
23	Public Involvement Requirements	MRS Title 38 Chapter 2 Subchapter A: The board shall review, may hold a hearing at its discretion on and may affirm, amend,	The department shall seek input from knowledgeable individuals or groups on each incidental take plan for endangered or	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Section 16(2) If publication or service of a notice of application is required under subsection (1), any person may file with the	Not applicable.

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		Maine		Quebec	New Brunswick	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>		<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
		reverse or remand to the commissioner for further proceedings for a final license or permit decisions made by the commissioner when a person aggrieved by a decision of the commissioner appeals that decision to the board within 30 days of the filing of the decision with the board staff. The board staff shall give written notice to persons that have asked to be notified of the Decision. MRS Title 5, Part 18 Chapter 375.4, 9054: If a public hearing is being held, On timely application made pursuant to agency rules, the agency conducting the proceedings shall allow any person showing that he is nor may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding, or any other agency of federal, state or local government, to intervene as a party to the proceeding.	threatened species.		Minister a written objection to the issuance of the permit sought at any time within thirty days after the publication or service.	
24	Additional Filing/Permitting Information	Not applicable.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Not applicable.	Not applicable.
25	Timing (high-level)	By law, the commissioner of the DEP is annually required to set processing times on applications. Currently, permit-by-rules must be processed in no more than 14 days. Tier 1 wetland applications must be processed in 45 days and the Tier 2 applications are completed within the maximum of 90 days. Review times vary for the different types of general permits. The maximum processing time for most full NRPA applications is 120 calendar days, but most applications are processed in a shorter time period. If the project is unusually complex or there is a problem with the quality of an application, processing will occasionally take the maximum processing time.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Section 12.1(2): Within two weeks after receiving a notification form, the prescribed fee and all related copies and other documents and information under subsection (1), the Minister shall determine whether or not, in the opinion of the Minister, the planned watercourse or wetland alteration would or could pose a significant threat to the environment.	Not applicable.
26	Lifetime for Permit or Authorization (if applicable)	The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Not applicable.	Term of permit Section 39A permit expires on the date stated in the permit.
27	Reporting Requirements	Wetlands C. Persistence. For restoration, enhancement and creation projects, on the basis of an updated functional assessment, a minimum of 85% of the compensation area must successfully replace the altered wetland's functions after a period of three years unless otherwise approved by the department. If this level is not achieved, or if evidence exists that the compensation site is becoming less effective, the department	Not applicable.	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Section 18: Inspectors may make periodic inspections of watercourse or wetland alterations.	Not applicable.

	Maine		Quebec	New Brunswick	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>
	<p>may require additional monitoring and corrective action, or additional wetland restoration, enhancement or creation in order to achieve the compensation ratio as originally approved.</p> <p>D. Monitoring. The applicant shall set forth a plan for interim reporting and remediation measures during monitoring of the restored or created wetland over a minimum of five years, which shall include contingency plans for replanting, contouring or other corrections if the project fails to meet project goals during that time.</p> <p>E. Maintenance. A compensation project that will naturally maintain itself without active intervention is preferred. However, the permittee may be required to conduct activities to assure continuation of the wetland, or the accomplishment of compensation goals, after a compensation project has been technically completed. Such activities may include, but are not limited to, water level manipulations and control of non-native plant species.</p>				

Table 18. Regulations – Yukon, Alaska

	Yukon	Alaska
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Yukon Utilities Board</i>	<i>Regulatory Commission of Alaska</i>
Applicable If	If a public utility enters into contract with the Government of Yukon or applies to construct a utility project within the Yukon.	A public utility is engaged or proposing to engage in a utility business in the State of Alaska, except if exempted by AS 42.05.711.
Statute or Regulation	Yukon Public Utilities Act. PUJA2002 Economic Development Act. EDA2002 Yukon Development Corporation Act. YDCA2002 Yukon Utilities Board Order. RYUB2014 Environmental Act. Section 84 EA2002 Yukon Environmental and Socio-economic Assessment Act. YESAB2003	Alaska Public Utilities Regulatory Act Title 42. 42.04RCA Chapter 42.04 Regulatory Commission of Alaska. PUCER Public Utilities and Carriers and Energy programs. Chapter 42.06 Pipeline Act.
Regulated Activity	The Yukon Utilities Board (YUB) regulates public utilities in Yukon and makes rules under the Public Utilities Act, Board records, application and representation procedures required by the Board, Board hearings, and filing and investigation of complaints. The Yukon Utilities Board may enter into contracts with the Government of the Yukon if deemed necessary.	The Regulatory Commission of Alaska regulates every public utility engaged or proposing to engage in a utility business inside the state, except if exempted by AS 42.05.711. The Commission investigates rates, classifications, rules, regulations, practices, services, and facilities of a public to ensure fair and reasonable rates, and safe utility services of public utilities.
Application Procedure/Process	Utilities must submit an Energy Project Certificate application to the Minister to construct a regulated project. The Minister will review the application and refer it to the YUB for review under <i>R.S., c.143, s.40</i> . The Board reviews the application and can choose to approve, reject, or hold a public hearing. The Board will issue a final order containing their decision once the review process is complete. The Board is required to include all final orders in their annual report. Once the Energy Project Certificate is approved, the utility must apply for an Energy Operation Certificate, which has the same approval process as the Energy Project Certificate. The Energy Project Certificate must include the following information as outlined by <i>R.S., c.143, s.39</i> : <ul style="list-style-type: none"> • A project description (project summary description, anticipated timeline, new or expanded public works descriptions, and summary of environmental and socio-economic impacts) • Project Justification (need for the project, risks, effect on ratepayers) • Consultation • Other Applications and approvals (list of approvals, permits and licenses and conditions affecting approvals) Environmental impact includes land, water and air environments and associated terrestrial and aquatic life. Planned mitigation includes an Environmental Protection Plan that is screened by the Yukon Environmental and Socio-economic Assessment Board (YESAB) under the Yukon Environmental Act <i>Section 84</i> and the Yukon Environmental and Socio-economic Assessment Act. Before the permit can be issued. Permit applications must include: <ul style="list-style-type: none"> • proposed location, size, nature, and use of the development or activity • Description of environmental effect including surface disturbance • Mitigation methods • Proposed waste reduction methods • Justification and amount of release of contaminants and pesticides • Contingency plans for pollution response • Plan for decommissioning • Any other information the Minister may require 	Utilities must submit a Certificate of Public Convenience and Necessity (CPCN) application to operate or provide a commodity or service. Each utility service that a utility provides requires a separate CPCN application. CPCN applications must: describe the nature and extent of the authority granted in it, be electronically filed in the Commission’s system and service in all docket proceedings with an opportunity for waiver. When deemed appropriate, the Commission conducts investigations, pre-hearing conferences, hearings, and proceedings, and the handling of procedural motions by a single commissioner. The Commission Chair appoints a hearing panel, unless a public hearing is not required. A Motion for Extension of Time applications include: the Motion, the Memo in Support of Extension of Time, the Affidavit, and the Proposed Order for Extension of Time. Applications for Certificate of Public Convenience and Necessity include the Application, Contract, List of Officers, Corporate Documents, Tariff Sheets, and Service Area Map.
Public Notification	All applications, hearing, Board orders, and Board reports are public documents.	The CPCN application needs to include a proposed public notice and a purchase order that proves the proposed public notice is published in a newspaper. The Commission chair shall appoint a hearing panel composed of three or more members to hear, or if a hearing is not required, to otherwise consider, and decide the case. The Commission will review the proposed notice and issue the final public notice using the purchase order. The Alaska Public Utilities Regulatory Act requires that all Commission reports, orders, decisions, and regulations be published and accessible to the public.
Public Involvement Requirements	Anyone can file a complaint to the Board if the complaint falls under the Boards jurisdiction. The Board then decides whether to act on the complaint or not.	There is a required public comment period for CPCN applications. All public comments are to be submitted to the Commission through the Commission’s website or on paper.
Additional Filing/Permitting Information	Not applicable.	A final order of the commission compelling affirmative action, denying a right or privilege, or granting a right or privilege over protest of the public utility or any party of record may not be entered without giving the interested party reasonable notice and an opportunity to be heard.
Timing (high-level)	The board is required to submit a report to the Minister not later than June 30 in each year on the activities and affairs of the board during the year ending on March 31 of that year.	The Commission shall issue a final order not later than 180 days after a complete application is filed.

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	Yukon	Alaska
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Yukon Utilities Board</i>	<i>Regulatory Commission of Alaska</i>
Lifetime for Permit or Authorization (if applicable)	The Board determines the length of the Energy Project Certificate and Energy Operation Certificate in their final order.	A final order is valid until a complaint or motion by the utility is filed to the Commission and the final order is modified, suspended, or revoked by the Commission.
Reporting Requirements	The board is required to submit a report to the Minister not later than June 30 in each year on the activities and affairs of the board during the year ending on March 31 of that year.	The Commission will publish an annual report by November 15 reviewing its activities during the previous fiscal year and notify the legislature that the report is available.
	Yukon	Alaska
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Yukon Environmental and Socio-economic Assessment Board</i>	<i>No Applicable Agency</i>
Applicable If	A project would have environmental or socio-economic effects requiring a neutral, comprehensive assessment.	
Statute or Regulation	Yukon Environmental and Socio-economic Assessment Act. (S.C. 2003, c. 7) YESAB2003	
Regulated Activity	An assessment under Yukon Environmental and Socio-economic Assessment Act (YESAA) is required when a project activity is listed in the regulations and requires a permit or authorization, a transfer of land, or utilizes federal funding. The assessment process is initiated when an individual or organization submits a project proposal to Yukon Environmental and Socio-economic Assessment Board (YESAB). Once the proposal is received, YESAB ensures that the proposal contains the information necessary to commence an assessment. Requirements for Permit: 1) The project will be located in Yukon. 2) The YESAA regulations list the project activity as subject to assessment and do not exempt the activity, or a declaration that the activity is subject to assessment is made under Section 48 of the Act. 3) One or more of the following circumstances are present: <ul style="list-style-type: none"> The proponent has applied for financial assistance for the project to a federal agency or federal independent regulatory agency; The proponent requires an authorization or grant of interest in land from a government agency, an independent regulatory agency, a municipal government, a First Nation or the Governor-in-Council (effectively the federal Cabinet); The proponent is a federal agency or federal independent regulatory agency; and The proponent is a First Nation, territorial agency, territorial independent agency or municipal government, and an authorization or grant of interest in land would be required for the project to be undertaken by a private individual. 	
Application Procedure/Process	Depending on the type of project, YESAB has created a series of forms and guides to assist in the development of project proposals. Proponents must use one of the following forms: <ol style="list-style-type: none"> Project Proposal Form 1: General PPF1 Project Proposal Form: Land Dispositions PPFLD Project Proposal Form: Forestry PPFF Guide to Project Proposal Submission GPPS	
Public Notification	To ensure that the assessment process is transparent, assessment information submitted will be posted to the YESAB Online Registry (YOR). Follow-up correspondence by the assessor, proponent, or other participants will be posted to the YOR. The YOR allows easy access to all assessment related documents and all correspondence during an assessment.	
Public Involvement Requirements	Required to meet with any affected First Nation to discuss proposed project. Track assessment via Yukon Online Registry (YOR) and respond to information requests in a timely manner.	
Additional Filing/Permitting Information	Filing Requirements for Project Proposals Submitted to a Designated Office Filing Requirements for Project Proposals Submitted to the Executive Committee for Screening Agent Consent Form Stages of a Designated Office Evaluation Adequacy Stage <ul style="list-style-type: none"> YESAB conducts information and location review Additional details may be required to ensure an adequate project proposal Evaluation Stage <ul style="list-style-type: none"> Scope of project prepared FRPPSDG FRPPSEQ YESABAG	

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	Yukon	Alaska	
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Yukon Environmental and Socio-economic Assessment Board</i>	<i>No Applicable Agency</i>	
	<ul style="list-style-type: none"> Notification list created Project proposal open for public comment (Seeking Views and Information Period) Recommendation Stage <ul style="list-style-type: none"> Evaluation report written Recommendation prepared and sent to Decision Body(s) 		
Timing (high-level)	Section 41: The designated offices, the executive committee and panels of the Board shall conduct assessments of projects, existing projects and plans in a timely and expeditious manner. Decision Body Time Periods and Consultation Regulations. The time required for a project proposal to be reviewed and assessed is dependent on the level of detail provided by proponents. The average Designated Office evaluation takes 42 days, once the Designated Office has deemed the proposal adequate Decision Bodies have 30 days to issue a Decision Document once a recommendation by YESAB is sent. An additional 7 days is given for projects located within the traditional territories of First Nations without Final Agreements.		
Reporting Requirements	Upon completion of the assessment YESAB issues an evaluation or screening report and a recommendation, which is sent to federal, territorial or First Nation governments who act as Decision Bodies. A copy is also loaded to the YESAB Online Registry.		
	Yukon	Alaska	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Environment Yukon</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>
Applicable If		A transmission line project would cause discharges into bodies of water. This agency also regulates water quality and development on wetlands.	A transmission line project would have an impact on fish, wildlife, and or special status species.
Statute or Regulation	Refer to Yukon Environmental and Socio-economic Assessment Act, under Environmental Assessment Agencies for protection of natural resources in Yukon.	Section 401 of the Clean Water Act (CWA) and Alaska Water Quality Standards (WQS, 18 Alaska Administrative Code (AAC) 70)	Alaska Standard (AS) 16. 20 Article 3 Endangered Species (Link1) Sec. 16.20.195. Permit for taking endangered species. (Link2) AS 16. 20 Article 05. Fish and Game Critical Habitat Areas (Link2) Sec. 16.20.520. Multiple land use (Link2) AS 44.62 Administrative Procedure Act (Link3) 5 AAC 95.400 Fish and Game Habitat -430, 700-770, 900-990 (Link3)
Regulated Activity		Section 401 of the Clean Water Act provides states with the legal authority to review an application or project that requires a federal license or permit (in this case a 404 permit) that might result in a discharge into a water of the U.S. The USACE issues three types of permits under Section 404: individual permits, nationwide permits, and regional general permits. See the USACE link below for a detailed description of each of these types of permits. Comparison of State and Federally Approved Water Quality Standards.	Sec. 16.20.195. A species or subspecies of fish or wildlife listed as endangered under AS 16.20.198 (b) may not be harvested, captured, or propagated except under the terms of a special permit issued by the commissioner of fish and game for scientific or educational purposes, or for propagation in captivity for the purpose of preservation. Sec. 16.20.520. Before the use, lease, or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under AS 16.20.500 - 16.20.690, the person or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail. AS 16. 20 Article 05. Fish and Game Critical Habitat Areas Authorization for land and water use activities in a Special Area (Refuge, Sanctuary, or Critical Habitat Area) is required in the form of a Special Area Permit. Each Special Area has certain allowable uses defined in statute and

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	Yukon	Alaska	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Environment Yukon</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>
			regulations. A Special Area Permit is required before any action is taken to: <ul style="list-style-type: none"> • construct or place structures, • develop natural resources, • explore energy opportunities, use off-road wheeled or tracked vehicles.
Application Procedure/Process		The applicant must apply for and obtain a Certificate of Reasonable Assurance from the Alaska Department of Environmental Conservation (ADEC) to conduct a regulated activity that the discharge will comply with the CWA, the Alaska Water Quality Standards (WQS, 18 AAC 70), and other applicable State laws. Handbook on 401 Water Quality Certifications.	Sec. 16.20.195: Permit for taking endangered species Special Area Permit Application Sec. 16.20.530. Submission of plans and specifications Subsection (a): When a board determines that the following information is required, it shall instruct the commissioner, in the letter of acknowledgment required under AS 16.20.520 to require the person or governmental agency to submit: (1) full plans for the anticipated use; (2) full plans and specifications of proposed construction work; (3) complete plans and specifications for the proper protection of fish and game; and (4) the approximate date when the construction or work is to commence. Subsection (b): The board shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced. The Commissioner shall approve the proposed construction, work, or use in writing unless the commissioner finds the plans and specifications insufficient for the proper protection of fish and game. Upon a finding that the plans and specifications are insufficient for the proper protection of fish and game, the commissioner shall notify the person or governmental agency that submitted the plans and specifications of that finding by first class mail.
Public Notification		By agreement between the Corps and ADEC, the "Public Notice of Application for Permit" public noticed by the Corps for an individual permit serves as the ADEC application for a Certificate of Reasonable Assurance.	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing pursuant to AS 44.62.
Public Involvement Requirements		ADEC reviews the project as described in the Corps project public notice; coordinates with other state and federal agencies and local governments; reviews any public comments; and either approves, approves with conditions, waives, or denies the project based on compliance with the Clean Water Act, state water quality standards, and other applicable state laws.	Special Area permit: Any person may file an accusation and a statement of issues with the Department which initiates a hearing to determine whether a right, authority, license, or privilege should be revoked, suspended, limited, or conditioned. The accusation must be verified and contains the required information pursuant to AS 44.62.360.
Additional Filing/Permitting Information		Permits issued under a state-run section 404 program are state permits issued under state law. For this reason, the provisions of other federal laws that apply to federal permits such as National Environmental Policy Act (NEPA), do not apply. State of Alaska's Effort to Become the Primary Agency for Section 404 Permits.	Not applicable.
Timing (high-level)		ADEC Review of 404 permits: The U.S. Army Corp of Engineers (USACE) issuing the permit may set the certification response time limit to any "reasonable period of time (which shall not exceed one	The person or governmental agency may, within 90 days of receiving the Special Area permit notice, initiate a hearing under AS 44.62.370. The agency shall deliver or mail a notice of hearing to all parties at

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	Yukon	Alaska	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Environment Yukon</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>
		<p>year).” If the certifying agency does not respond within the time limit, §401 certification is waived, as specified under The Clean Water Act. The Corp typically provides a response period of 60-90 days but this varies by Corp district.</p> <p>Certificate of Reasonable Assurance: The State has 60 days to notify to determine if the certificate of reasonable assurance is no longer applicable due to changes in the proposal and to notify the applicant and the USACE of this change. CWA Section 401.</p>	<p>least 10 days before the hearing. The respondent may request a hearing by filing a notice of defense pursuant to AS 44.62.390 within 15 days after the accusation is served on the respondent and that failure to do so constitutes a waiver of the right to a hearing.</p> <p>The complete record of the proceedings shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.</p> <p>The notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered.</p>
Lifetime for Permit or Authorization (if applicable)		CWA Section 404 Nationwide General Permits are certified as a category every five years at reissuance. If categorical certification is denied for any Nationwide permit, each individual project wishing to be authorized under the Nationwide permit would require 401 certification. CWA Section 401.	The commissioner may issue a permit for a fixed term not to exceed two years.
Reporting Requirements		Not applicable.	Mitigation: As a condition of project approval, applications will be required to compensate fully for damage to fish and wildlife and their habitat by employing the most appropriate techniques. Where determined necessary by the department, a mitigation plan pursuant to 4 AAC 95 will be required.

Table 19. Regulations – British Columbia, Alaska, Washington, Idaho, Montana

	British Columbia	Alaska	Washington	Idaho	Montana
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>British Columbia Utilities Commission</i>	<i>Regulatory Commission of Alaska</i>	<i>Washington Utilities and Transportation Commission</i>	<i>Idaho Public Utilities Commission</i>	<i>Montana Public Service Commission</i>
Applicable if	A public utility is engaging in business in the province of British Columbia.	A public utility is engaged or proposing to engage in a utility business in the State of Alaska, except if exempted by AS 42.05.711.	An energy utility proposes to build or operate a project in the state of Washington.	A public utility proposes to construct or operate a transmission project in the State of Idaho.	An electric utility proposes to operate or construct a utility project in the State of Montana.
Statute or Regulation	British Columbia Utilities Commission Act. UCA1996 British Columbia’s Clean Energy Act. CEA2010 British Columbia Environmental Assessment Office Memorandum of Understanding. MOUBC Environmental Assessment Act. FAA2002	Alaska Public Utilities Regulatory Act Title 42. Chapter 42.04 Regulatory Commission of Alaska. 42.04RCA Public Utilities and Carriers and Energy programs. PUCEP Chapter 42.06 Pipeline Act.	Washington Public Utility Laws – Revised Code of Washington (RCW) 80. RCW80 Washington Administrative Code (WAC) – Title 480. and Title 463.62. WAC480 Energy Independence Act. EIA2007 Department of Fish and Wildlife. - 77.55 77.55 RCW.	Idaho Statutes Title 61 Public Utility Regulation. 61PUR Idaho Statutes Title 62 Railroads and Other Public Utilities. 62ROPU Idaho Public Records Act. IPRA Idaho Administrative Procedures Act (IDAPA) 31.01.01. IDAPA	Montana Code Title 69 Public Utilities and Carriers. MPUC DEQ Montana Environmental Policy Act (MEPA) Procedural Rule and Guidelines. DEQMEPA
Regulated Activity	The British Columbia Utilities Commission regulates energy utilities to ensure that energy rates are fair and reasonable, and that utility services meet consumer needs in a safe manner under the Utilities Commission Act.	The Regulatory Commission of Alaska regulates every public utility engaged or proposing to engage in a utility business inside the state, except if exempted by AS 42.05.711. The Commission investigates rates, classifications, rules, regulations, practices, services, and facilities of a public to ensure fair and reasonable rates, and safe utility services of public utilities.	The Washington Utilities and Transportation Commission regulates energy utilities for fair prices, safety, reliability, and availability.	The Idaho Public Utilities Commission regulates electric utilities. The Commission issues a Certificate of Public Convenience and Necessity to utilities for construction and operation of transmission lines in counties. Idaho Code 61-1701: However if the utility wishes to the construct or modify transmission facilities located in a national interest electric transmission corridor designated by the secretary of the United States department of energy under section 1221 of the energy policy act of 2005, then the utility’s application is reviewed by the DOE. Idaho Code 61-1703: In the event that the secretary designates a national interest electric transmission corridor within Idaho, the public utilities commission is authorized to review the siting of all electric transmission facilities within such federally designated corridor. After notice and an opportunity for hearing, the commission shall review and deny, approve, or approve with conditions an application seeking a route certificate to construct transmission facilities within a designated national interest electric transmission corridor. Idaho Code 67-6528: a local land use or permitting decision concerning a public utility may become null and void if such decision is in conflict with a specific order of the PUC, provided that the PUC has given the affected local government an opportunity to appear or consult with the Commission regarding such conflict.	The Montana Public Service Commission regulates the rate services provided by electric utilities.
Application Procedure/Process	The commission reviews applications for revenue requirements, rate design, and major energy projects. Utilities that desire construction of new or additional facilities must submit Certificates of Public Convenience and Necessity (CPCN) applications to the Secretary of the Commission under Sections 45 and 46 of the Utilities Commission Act, before building or operating a public utility. For additional information, reference the BCUC 2010 Certificates of Public Convenience and Necessity Application Guidelines. 2015CPCN The CPCN application must include: General information about the applicant and the project <ul style="list-style-type: none"> • First Nations and Public Consultations (including a list of the First Nations Information Filing FNPC) 	Utilities must submit a Certificate of Public Convenience and Necessity (CPCN) application to operate or provide a commodity or service. Each utility service that a utility provides requires a separate CPCN application. CPCN applications must: describe the nature and extent of the authority granted in it, be electronically filed in the Commission’s system and service in all docket proceedings with an opportunity for waiver. 2015CPCN When deemed appropriate, the Commission conducts investigations, pre-hearing conferences, hearings, and proceedings, and the handling of procedural motions by a single commissioner. The Commission Chair appoints a hearing panel, unless a public hearing is not required. A Motion for Extension of Time applications include: the Motion, the Memo in Support of Extension of Time, the Affidavit, and the Proposed Order for Extension of Time. Applications for Certificate of	Utilities are required to submit a Certificate of Public Convenience and Necessity application under the Public Utilities Law to build or operate public utility services. The utility must provide all of the information in the CPCN application as specified by the Commission. The CPCN application must include: <ul style="list-style-type: none"> • General goals and specific objectives • Determine that the benefits outweigh the costs in preliminary cost-benefit analysis • Abide by state and federal law (including law under the Department of Ecology, Labor and Industries, Health, Revenue, Social and Health Services and Natural Resources, and the Department of Fish and Wildlife) If the CPCN proposes a project that calls for construction in state waters, then the project must meet the requirements specified under the Department of Fish and Wildlife Chapter 77.55 RCW. The applicant must also met standards and	The Commission requires a Certificate of Public Convenience and Necessity to the Commission to build and operate utilities, as specified in Idaho Code, Title 61 the utility must submit an application to the Commission that must include: <ul style="list-style-type: none"> • A description of the project and applicant • Applicant contact information • Copies of all relevant by-laws • Proof of approval from the Idaho Department of Environmental Quality or local health departments • List of other similar utilities in the area • Financial statements and a description of customer benefits Once the application is complete, the Commission will begin the application review process. If the application is uncontested, the commission may submit a final decision after review of the application. If an application is contested, the commission then holds a public hearing. Upon conclusion of the public hearing, the Commission files a final order with the Commission’s decision. A notice of appeal for a final Commission decisions can be filed to the Commission. Route Certification: Idaho Code 61-1704: Each transmission utility seeking authority to site electric	Utilities must submit an application to the Commission for construction and operation of utility facilities. The application must include: <ul style="list-style-type: none"> • A description of the project • Description of design alternatives considered • Application summary • Design characteristics • Construction description • Operation and maintenance description • Facility costs, which includes the environmental cost • Explanation of need • Analysis of alternatives, which includes reconnaissance of the study area and an environmental information inventory The Commission requires the applicant to Link

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	British Columbia	Alaska	Washington	Idaho	Montana
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>British Columbia Utilities Commission</i>	<i>Regulatory Commission of Alaska</i>	<i>Washington Utilities and Transportation Commission</i>	<i>Idaho Public Utilities Commission</i>	<i>Montana Public Service Commission</i>
	<p>Guidelines)</p> <ul style="list-style-type: none"> Project Description Project Cost Estimate Provincial Government Energy Objective and Policy Considerations New Service Areas List of required permits, licenses and authorizations The Commission conducts an initial review of the CPCN application and issues an order stating the Commission's decision to grant, deny or hold a public hearing. If a public hearing is held, the Commission will issue a final order containing their decision. The CPCN also requires an overview of community, social and environmental impacts, resources required, risk analysis and the estimated cost to mitigate risk, and preliminary assessment of potential physical, biological and social environments effects and proposals with costs to reduce those effects. The British Columbia Environmental assessment Office is responsible for carrying out environmental assessments under the Canadian Environmental Assessment Act, S.B.C. 2002, c.43. <p>In addition, utilities are often required to submit applications for an Environmental Assessment Certificate (EAC) to the Environmental Assessment Office in tandem with the CPCN. The Environmental Assessment Office reviews the application and determines the applications requirements based on the specific case.</p>	<p>Public Convenience and Necessity include the Application, Contract, List of Officers, Corporate Documents, Tariff Sheets, and Service Area Map.</p>	<p>mitigation requirements specific to seismicity, noise limits, fish and wildlife, wetlands, water quality, and air quality, associated with site certification for construction and operation of energy facilities under the jurisdiction of the council pursuant to WAC 463.62.</p> <p>After the Commission reviews the application, the Commission determines if there is a need for a public hearing. If the Commission identifies a need for a public hearing, a public hearing will be scheduled and a notice of the hearing will be issued. After the review process is complete, the Commission issues an initial order. If the majority of the Commission signs the initial order, a final order is published in a location that is reasonably accessible to the public.</p>	<p>transmission facilities in a national interest electric transmission corridor, shall submit a notice of intent to file an application for a route certificate to the Commission containing the information required by Idaho Code 61-1704. The commission, from when the notice of intent is filed, convene a pre-application conference with the transmitting utility, federal, state, local government and tribal permitting entities, for the purpose of reviewing the notice of intent.</p> <p>The Route application must contain the information and exhibits pursuant to Idaho Code 61-1705, any other information the Commission requests and prefiled testimony that supports the application information.</p> <p>Idaho Code 61-1707: After a transmitting utility has filed its notice of intent with the commission and before it files the application for a route certificate, the transmitting utility shall conduct informal public workshops at location(s) along the proposed transmission route. The commission will determine whether the staff should conduct an informational public workshop at locations along the proposed transmission route. The purpose of the public workshop is for the commission staff to dispense information concerning the transmission utility's application and to advise interested persons on how to participate in the commission's review proceeding. If the Commission decides to hold a public workshop, the Commission will issue a notice of public workshop.</p> <p>Idaho Code 61-1705: After notice and an opportunity for hearing, the commission shall issue its final order denying, granting, or granting with conditions the application for a route certificate.</p>	<p>provide enough information for the Montana Department of Health and Environmental Science to evaluate the project proposal, as required by MEPA. The Montana Department of Health and Environmental Sciences requires mitigation and sensitive area measures. A biological resource impacts analysis must also be completed. The analysis should include wildlife, vegetation, cultural resource overview and impacts, recreation areas and impacts, lakes, streams, water resources, wilderness areas, noise and electrical impacts, and alternative proposals examined.</p> <p>The Environmental Quality Council advises legislatures and the governor on current and prospective environmental quality in an area that would be affected by a project proposal. The Council's goal is to ensure that the proposed project would comply with MEPA 75-1-103.</p>
Public Notification	<p>All Certificates of Public Convenience and Necessity applications are public unless otherwise noted. Orders and notices of public hearings are published in the local newspaper and all hearings are open to the public. The order for a public hearing provides where to find the application in question.</p>	<p>The CPCN application needs to include a proposed public notice and a purchase order that proves the proposed public notice is published in a newspaper. The Commission chair shall appoint a hearing panel composed of three or more members to hear, or if a hearing is not required, to otherwise consider, and decide the case. The Commission will review the proposed notice and issue the final public notice using the purchase order.</p> <p>The Alaska Public Utilities Regulatory Act requires that all Commission reports, orders, decisions, and regulations be published and accessible to the public.</p>	<p>All applications, (utility applications, Commission orders, and annual reports) are public documents. All hearings are open to the public. The Commission issues a notice of upcoming hearings and publishes these notices in a place reasonably accessible to the public.</p>	<p>Utilities must notify customers of any CPCN applications by issuing a press release and making the application publicly available. Utilities must also request a Notice of Application from the Commission with submission of the CPCN application. The applicant must publish a Notice of Modified Procedures, Notice of Public Workshops, and Notice of Parties in the local medias listed by the Commission. All proceeding documents and final orders are posted the Commission's website.</p> <p>Route Certification:</p> <p>Idaho Code 61-1704: The applicant must publish notice of filing the notice of intent with the Commission in a daily or weekly newspaper of general circulation at least once a week for 2 weeks, create maintain and up-to-date website, and make copies of the notice available in publicly accessible locations in each county or city affected by the project.</p> <p>Idaho Code 61-1707: Notice of the public workshops shall be issued a minimum of fourteen (14) days prior to the workshop to newspapers of general circulation and</p>	<p>The Commission publishes a Notice of Application, Notice of Public Meetings, Notice of Opportunity to Comment, public meeting testimony, the application, and all final orders to their website.</p> <p>All reports, records, accounts, files, papers, and memos related to the Commission are open to the public unless otherwise noted.</p>

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RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>British Columbia Utilities Commission</i>	<i>Regulatory Commission of Alaska</i>	<i>Washington Utilities and Transportation Commission</i>	<i>Idaho Public Utilities Commission</i>	<i>Montana Public Service Commission</i>
				radio and television stations in the affected area Idaho Code 61-1705: The transmitting utility will make available copies of its complete application on its project website and at publicly accessible locations in each county. The application will also be available on the commission's website.	
Public Involvement Requirements	The CPCN application requires a description of public groups consulted, the information provided by those groups, and the concerns raised by those groups. Members of the public can file information requests to the Commission for additional information not provided in the application and file interventions to participate in a public hearing.	There is a required public comment period for CPCN applications. All public comments are to be submitted to the Commission through the Commission's website or on paper.	Members of the public can file a complaint and request additional information by submitting a public records request to the Commission.	The public can apply to become an intervener and actively participate in public hearings. The public may also subscribe to the Commission's RSS feed to receive updates about a case. Municipalities, counties, and chambers of commerce in the affected area are considered parties and can be actively involved in public hearings without submitting an application.	All public hearings are open to the public unless otherwise noted. The public must submit an application as an intervener to participate in public meetings beyond giving a public comment. The public can file a comment for any active Commission proceedings. The public can file a complaint with the Commission for any utility regulated by the Commission.
Additional Filing/Permitting Information	Utilities must provide a list of all the required permits, licenses and authorizations needed in their CPCN application.	A final order of the commission compelling affirmative action, denying a right or privilege, or granting a right or privilege over protest of the public utility or any party of record may not be entered without giving the interested party reasonable notice and an opportunity to be heard.	Applicants should apply for permits as required by federal, state, and local law. WAC 463.62.030: Energy facilities shall meet the noise standards established in chapter 70.107 RCW, the Noise Control Act of 1974; and state rules adopted to implement those requirements in chapter 173-60 WAC, Maximum environmental noise levels.	Applicants must apply for the appropriate permits from the Idaho Department of Land, Department of Water Resources, Department of Parks and Recreation, Link Transportation Department, and Department of Environmental Quality. The Department of Environmental Quality requires 401 Certification and 404 Permits for construction of utility facilities.	Utilities must provide copies of permit applications required by MEPA with project applications to the Commission. Permits include water discharge and land use permits.
Timing (high-level)	Utilities must file plans for significant facility extensions once a year to the Commission. CPCN applications must be filed at least 30 days prior to desired effective date. Filing and hearing times will be established by the Commission.	The Commission shall issue a final order not later than 180 days after a complete application is filed.	An initial order will be issued by the Commission within 60 days of public hearing commencement and the final order will be issued within 90 days after public hearing transcripts are received, oral arguments are complete, initial briefs are filed, or the Commission receives a petition for administrative review (which is a petition filed against the Commission's initial order).	Certificate of Public Convenience and Necessity: Final orders issued by the Commission come into effect 20 days after filing. Route Certification: Idaho Code 61-1704: Each transmission utility seeking authority to site electric transmission facilities in a national interest electric transmission corridor must submit a notice of intent to file an application for a route certificate with the commission at least 120 days before the transmission utility intends to file an application. Idaho Code 61-1704: Within 21 days the applicant files a notice of intent, the commission must convene a pre-application conference. Idaho Code 61-1705: The commission shall issue its final order no later than twelve (12) months after the application for a route certificate is filed, unless the transmitting utility agrees to an extension in writing.	The Commission must determine if an application is adequate or not within 45 days of submission.
Lifetime for Permit or Authorization (if applicable)	The Commission determines the length of the proposal at the end of the public hearing and reserves the right to order an extension or null the decision.	A final order is valid until a complaint or motion by the utility is filed to the Commission and the final order is modified, suspended, or revoked by the Commission.	Not applicable.	Idaho Code 61-1708: Subject to any conditions attached to the certificate by the commission, a final commission order granting a route certificate shall bind the state and each of its agencies, divisions, bureaus, commissions, boards and local governments as to the approval of the authorized transmission route and the construction and operation of the authorized transmission facility.	A final order is upheld until a revision, appeal, or new order replaces it.
Reporting Requirements	The commission must make a report to the Lieutenant Governor in Council every year for the preceding fiscal year. The report must include summaries of all applications and complaints and other matters and information considered public interest or pertinent to the Lieutenant Governor in Council.	The Commission will publish an annual report by November 15 reviewing its activities during the previous fiscal year and notify the legislature that the report is available.	Public utilities are required to file an annual report to the Commission before May 1 of the following year. The report must include financial and operational information as required under RCW 80.04.080. The utility annual report is a public document.	Utilities must submit annual gross intrastate revenue reporting forms to the Commission.	Public utilities must close all accounts on either June 30 or December 31 and provide the Commission with an annual report of the accounts by October 31.

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RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>British Columbia Environmental Assessment Office</i>	<i>No Applicable Agency</i>	<i>Washington Department of Ecology</i>	<i>No Applicable Agency</i>	<i>Montana Environmental Quality Council</i>
Applicable If	A reviewable project would have a significant adverse environmental, economic, social, heritage, or health effect requiring an environmental assessment.		A major action would have a “probable, significant, adverse environmental impact” requiring an environmental review.		The siting of an electric transmission line impacts the environment and natural resources as part of the Montana Major Facility Siting Act.
Statute or Regulation	British Columbia Environmental Assessment Act [SBC 2002] Chapter 43. EAA2002 Reviewable Projects Regulation. AARPR200		State Environmental Policy Act, Chapter 43.21C RCW Link		The Montana Environmental Policy Act. (MEPA) MEPA Montana Major Facility Siting Act, 75-20-101 et seq., (MFSA) MCA MFSA
Regulated Activity	Section 10. Determining the need for assessment, subsection (1) The executive director by order: (a) may refer a reviewable project to the minister for a determination under section 14, (b) if the executive director considers that a reviewable project will not have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that: (i) an environmental assessment certificate is not required for the project, and (ii) the proponent may proceed with the project without an assessment, or (c) if the executive director considers that a reviewable project may have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project, may determine that (i) an environmental assessment certificate is required for the project, and (ii) the proponent may not proceed with the project without an assessment. Subsection (2): The executive director may attach conditions he or she considers necessary to an order under subsection (1) (b). Subsection (3): A determination under subsection (1) (b) does not relieve the proponent from compliance with the applicable requirements pertaining to the reviewable project under other enactments. Table 7 Electricity Projects AARPR200		Environmental review is required for any proposal which involves a government "action," as defined in the SEPA Rules (WAC 197-11-704), and is not categorically exempt. Section 43.21C.031. Significant Impacts. (1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) and 43.21C.450 do not require environmental review or the preparation of an environmental impact statement under this chapter. (2) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.		The Montana Environmental Policy Act (MEPA): Requiring environmental assessment or environmental impact statement to assist the legislature in determining whether laws are adequate to address impacts to Montana’s environment. MFSA: MCA, Section 75-20-102. Subsection (4): Construction of additional electric transmission facilities may be necessary to meet the increasing need for electricity, energy, and other products. Therefore, it is necessary to ensure that the location, construction, and operation of electric transmission facilities are in compliance with state law and that an electric transmission facility may not be constructed or operated within this state without a certificate of compliance acquired pursuant to this chapter. Facilities covered by MFSA are listed in Section 75-20-104, subsection(8), MCA. Information concerning the need for the transmission line, the proposed location, baseline data and reasonable alternate locations must be included in the application. See 75-20-211, MCA, Circular 1 and Circular 2 for details. 75-20-104
Application Procedure/Process	The Environmental Assessment Process explains the environmental assessment process, types of projects, the process of a EAP1 EAP2		Not applicable.		MEPA: For the purpose of complying with Part 2 of MEPA, an application for a permit, license, or other authorization that contains MFSAA

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	<p>review, application requirements, how the application will be reviewed, the public comment processes, and the Minister's decision. EAP1, EAP2 is a timeline of the Environmental Assessment Process.</p> <p>Environmental Assessment Office User Guide</p> <p>Applying for environmental assessment certificate</p> <p>Section 16 (1) The proponent of a reviewable project for which an environmental assessment certificate is required under section 10 (1) (c) may apply for an environmental assessment certificate by applying in writing to the executive director and paying the prescribed fee, if any, in the prescribed manner.</p> <p>(2) An application for an environmental assessment certificate must contain the information that the executive director requires.</p>				<p>all data, studies, plans, information, forms, fees, and signatures required to be included with the application sufficient for the agency to approve the application under the applicable statutes and rules (75-1-220(3), MCA).</p> <p>MFSA: An applicant for a certificate under the Montana Major Facility Siting Act (MFSA) must file an application with the DEQ.</p>
Public Notification	<p>Part 25 (1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the executive director.</p>		<p>Section 43.21C.080</p> <p>Notice of action by governmental agency — How publicized — Time limitation for commencing challenge to action.</p> <p>(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in rules adopted under RCW 43.21C.110:</p> <p>(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;</p> <p>(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and</p> <p>(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of first newspaper publication;</p> <p>(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.</p>		<p>The MEPA Model Rules require a Record of Decision (ROD) for actions requiring an EIS (MEPA Model Rule XVIII). The ROD is a concise public notice that announces the decision, explains the reasons for the decision, and explains any special conditions surrounding the decision or its implementation.</p> <p>MFSA: Certificate of compliance:</p> <p>MCA 75-2-207: Whenever a person plans to construct an electric transmission line or associated facilities under the provisions of 75-20-104(8)(a)(ii), it must provide public notice to persons residing in the area in which any portion of the electric transmission facility may be located and to the department through publication of a project summary that includes the proposed location in newspapers that will substantially inform those persons of the construction. The applicant must also mail a summary to the department. The notice must inform the property owners of their rights under this chapter concerning the location of the facility and that more information concerning their rights may be obtained from the department.</p> <p>MCA 75-20-211: The copy of the application must be accompanied by a notice specifying the date on or about which the application is to be filed. An application must also be accompanied by proof that public notice of the application was given to persons residing in the county in which any portion of the proposed facility is proposed or is</p>

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			<p>(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.</p> <p>(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred.</p> <p>(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.</p>		alternatively proposed to be located, by publication of a summary of the application in those newspapers that will substantially inform those persons of the application.
Public Involvement Requirements	<p>First Public Comment Period: Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. Advertisements in local newspapers, radio announcements, posting information on our web site and the most recent method, having the information available in an RSS news feed.</p> <p>A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.</p>		<p>Section 197-11-510 Public Notice.</p> <p>Subsection 1: When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.</p> <p>Subsection 2: Each agency shall specify its method of public notice in its SEPA procedures, WAC 197-11-904 and 197-11-906. If an agency does not specify its method of public notice or does not adopt SEPA procedures, the agency shall use methods (a) and (b) in subsection (1).</p> <p>Subsection 3: Documents which are required to be sent to the department of ecology under these rules will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet compliance with</p>		<p>MEPA: Public scoping process for an environmental review is triggered by permitting or state approval process within 60 days of agency's receipt of complete application.</p> <p>Invite public participation in the determination of the scope of an EIS, provide a minimum 30 day public comment period for draft EIS and 15 day public comment period for final EIS, and include public comments and agency responses in final EIS.</p> <p>MFSA: 75-20-102 Section (6) The legislature also finds that it is the purpose of this chapter to:</p> <p>(a) ensure protection of the state's environmental resources, including but not limited to air, water, animals, plants, and soils;</p> <p>(b) ensure consideration of socioeconomic impacts;</p> <p>(c) provide citizens with the opportunity to participate in facility siting decisions; and</p> <p>(d) establish a coordinated and efficient method for the processing of all authorizations required for regulated facilities under this chapter.</p>

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			this section. 197-11-535 Public hearings and meetings.		Certificate of compliance: MCA 75-20-223: A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board. If the department provided an opportunity for public comment on the application, the request for a hearing must be limited to those issues the party has raised in comments made to the department during the comment period.
Additional Filing/Permitting Information	Refer to Part 4 — Special Provisions for Environmental Assessment Process of the Environmental Assessment Act for additional filing and application information.		Section 197-11-100 Information required of applicants. 97-11-100		MEPA: If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the agency and the applicant at the time the application is filed. MFSA: The DEQ shall approve a transmission line facility as proposed or as modified or an alternative to the proposed facility if it finds and determines the need for the facility; the nature of probable environmental impacts; that the facility minimizes adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives; what part, if any, would be located underground; that the location of the proposed facility conforms to applicable state and local laws; that the facility will serve the public interest, convenience and necessity; that the DEQ has issued all necessary decisions, opinions, orders, certifications and permits; and that the use of public lands for location of the facility is evaluated and public lands are selected whenever their use is as economically practicable as the use of private lands. See 75-20-301(1), for details. WLUENW
Timing (high-level)	Part 4, section 24, subsection (1): The following assessment steps must be completed within the prescribed time limits: (a) the evaluation of, and decision on accepting, an application for review under section 16; (b) the review of an application under section 16; (c) the making of a decision under section 17 on an application; (d) a decision on an application for concurrent review under section 23 of one or more applications for approvals under other enactments.		Section 197-11-055 Timing of the SEPA process. Subsection (1): Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems. 197-11-23 Subsection (2): Timing of review of proposals. The lead agency shall prepare its threshold determination and environmental		The Montana Environmental Policy Act does not have any statutory timeframes for preparing MEPA documents or conducting an environmental review process. MFSA: Within nine months following acceptance of an application, the DEQ must issue a report that includes the department's studies; evaluations; recommendations; customer fiscal impact analysis, if required under 69-2- 216, MCA; and other relevant documents. An Environmental Impact Statement or analysis may be included if there is compelling evidence that the facility construction and operation will have adverse environmental

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	British Columbia	Alaska	Washington	Idaho	Montana
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>British Columbia Environmental Assessment Office</i>	<i>No Applicable Agency</i>	<i>Washington Department of Ecology</i>	<i>No Applicable Agency</i>	<i>Montana Environmental Quality Council</i>
	<p>Subsection (2): The executive director may suspend the time limit prescribed for subsection (1) (b) if the executive director requires the proponent to provide additional information to complete the review under section 16, or if the review is delayed at the request of the proponent or because of action taken or not taken by the proponent.</p> <p>Subsection (3): At any time after the executive director or the minister has determined under section 11 or 14 the information required for an application, the executive director or the minister may suspend or terminate an assessment under this Act if, after being requested to provide information in an application or at any other time in the assessment, the proponent does not provide the information within the prescribed period.</p> <p>Subsection (4): The minister or the executive director may extend by order, with or without conditions, the time limit for doing anything under this Act, and may order an extension even if the time limit has expired.</p>		<p>impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.</p> <p>(a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.</p> <p>(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.</p> <p>(ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis.</p> <p>(b) Agencies shall identify the times at which the environmental review shall be conducted either in their procedures or on a case-by-case basis. Agencies may also organize environmental review in phases, as specified in WAC 197-11-060(5).</p> <p>(c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (WAC 197-11-070).</p> <p>(d) A Growth Management Act (GMA) county/city is subject to additional timing requirements (see WAC 197-11-310).</p> <p>WAC 197-11-230 Timing of an integrated GMA/SEPA process.</p>		<p>impacts (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123). For a facility that is unlikely to result in adverse environmental impacts, the DEQs decision must be returned in 90 days. Before issuing a decision, the DEQ will provide an opportunity for public review and comment.</p> <p>Certificate of compliance:</p> <p>MCA 75-20—207: Public notice for plans to construct an electric transmission line must be made no less than 60 days prior to the commencement of acquisition of right-of-way by publication of a summary.</p> <p>MCA 75-20-208: Prior to constructing a transmission line the person planning to construct the line shall provide to the department within 36 months of the date of the public notice copies of the right-of-way agreements and verification that does not include an electric transmission line with a design capacity of more than 69 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline.</p> <p>MCA 75-20-216: After receipt of an application, the department shall within 30 days notify the applicant in writing if the application is complete, pursuant to MCA 75-20-216 or request additional information.</p> <p>MCA 75-20-216: The department shall issue a decision, opinion, order, certification, or permit within 9 months following the date of acceptance of an application.</p> <p>MCA 75-20-301: Within 30 days after issuance of the report pursuant to 75-20-216, the department shall approve a facility as proposed or as modified or an alternative to a proposed facility.</p> <p>MCA 75-20-223: If a hearing is requested, the applicant may file a written election with the board within 15 days of receipt of the request for hearing, elect to have the matter proceed to hearing before the board or to have the matter submitted directly to the district court for judicial review of the agency decision.</p>
Reporting Requirements	<p>Project information Centre</p> <p>Section 25(1) For the purpose of facilitating public access to information and records relating to assessments conducted under this Act, the former project registry is continued in the Environmental Assessment Office as the project information centre, to be administered and maintained by the</p>		<p>Findings -- Intent -- 1995 c 347 § 202: "(1) The legislature finds in adopting RCW 43.21C.240 that:</p> <p>(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of</p>		<p>MEPA: Section 75-1-314 75-1-314. Reporting requirements. Subsection (1): The departments of environmental quality, agriculture, and natural resources and conservation shall biennially report to the council the following natural resource and environmental compliance and enforcement information:</p>

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	<p>executive director.</p> <p>(2) The executive director may determine</p> <p>(a) which records relating to assessments conducted under this Act are to be available to the public through the project information centre, and</p> <p>(b) in which form or format the records are to be made available.</p>		<p>environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.</p> <p>(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.</p> <p>(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.</p> <p>(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.</p> <p>(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately</p>		<p>(a) the activities and efforts taking place to promote compliance assistance and education;</p> <p>(b) the size and description of the regulated community and the estimated proportion of that community that is in compliance;</p> <p>(c) the number, description, method of discovery, and significance of noncompliances, including those noncompliances that are pending; and</p> <p>(d) a description of how the department has addressed the noncompliances identified in subsection (1)(c) and a list of the noncompliances left unresolved.</p> <p>Subsection (2): When practical, reporting required in subsection (1) should include quantitative trend information.</p> <p>MFSAs: Certificate of compliance: MCA 75-20-216: within 9 months following acceptance of an application for a facility, the department shall issue a report that must contain the department's studies, evaluations, recommendations, customer fiscal impact analysis, if required pursuant to 69-2-216, and other pertinent documents resulting from its study and evaluation. An environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act may be included in the department findings if compelling evidence indicates that adverse environmental impacts are likely to result due to the construction and operation of a proposed facility.</p>

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RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>British Columbia Environmental Assessment Office</i>	<i>No Applicable Agency</i>	<i>Washington Department of Ecology</i>	<i>No Applicable Agency</i>				<i>Montana Environmental Quality Council</i>			
			analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.								
	British Columbia	Alaska	Washington	Idaho				Montana			
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>British Columbia Ministry of Environment</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>
Applicable If	A transmission line project is developed on wetlands or if the development would impact fish, wildlife, and or special status species.	A transmission line project would cause discharges into bodies of water. This agency also regulates water quality and development on wetlands.	A transmission line project would have an impact on fish, wildlife, and or special status species.	A transmission line project would cause discharges into bodies of water. This agency also regulates water quality and development on wetlands.	A transmission line project would impact fish, wildlife, and or special status species.	A transmission line project would have an impact the state's waterbodies and water quality.	A transmission line project would have an impact on fish and wildlife resources.	A transmission line project would encroach or cross the state's navigable lakes or state-owned submerged or formerly submerged lands.	A transmission line project would require construction or crossing within a stream channel.	A transmission line project would need permits for private entities to work in or near a stream on public or private land. This agency also regulates projects that include construction or modification that may affect the shape or form of stream banks or tributaries, projects including transmission lines that may affect floodplains, projects that occur below the low water mark of navigable waters, and projects that may discharge into navigable waters.	A transmission line project would have an impact on the state's fish and wildlife resources.
Statute or Regulation	Fish Protection Act – Section 12 Riparian Areas Regulation (RAR) and 2006 Amendment Wildlife Act [Revised Statutes of British Columbia (RSBC) 1996] Chapter 488	Section 401 of the Clean Water Act (CWA) and Alaska Water Quality Standards (WQS, 18 Alaska Administrative Code (AAC) 70)	Alaska Standard (AS) 16.20 Article 3 Endangered Species (Link1) Sec. 16.20.195. Permit for taking endangered species. (Link2) AS 16.20 Article 05. Fish and Game Critical Habitat Areas Sec. 16.20.520. Multiple land use AS 44.62 Administrative Procedure Act 5 AAC 95.400 Fish	Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington.	Construction Projects in State Waters.	401 Certification and 404 Permits Title 39, chapters 1, 36, 44, 71 and 74 of Idaho Code	13.01.06 e.5 – Rules Governing Classification and Protection of Wildlife	Title 58, Chapter 13, Idaho Code, Lake Protection Act.	Chapter 38, Title 42 Idaho Code 42-202A	Montana Natural Streambed and Land Preservation Act (310 Permit) Montana Stream Protection Act (SPA 124 Permit) Montana Land-use License Easement on Navigable Waters Application for Proposed Work in Streams, Lakes and Wetlands	Title 87 Fish and Wildlife Chapter 5 Wildlife Protection.

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RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	British Columbia Ministry of Environment	Alaska Department of Environmental Conservation	Alaska Department of Fish and Game	Department of Ecology	Washington Department of Fish and Wildlife	Idaho Department of Environmental Quality	Idaho Department of Fish and Game	Idaho Department of Lands	Idaho Department of Water Resources	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
Regulated Activity	<p>This agency regulates development on wetlands and developments that may impact fish, wildlife, and or special status species.</p> <p>Riparian Areas Regulation: The purposes of this regulation is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.</p> <p>Wildlife Act Section 19, subsection (1) A regional manager or a person authorized by a regional manager may, to the extent authorized by and in accordance with regulations made by the Lieutenant Governor in Council, by the issue of a permit, authorize a person: (a) to do anything that the person may do only by authority of a permit or that the person is prohibited from doing by this Act or the regulations, or (b) to omit to do anything that the person is required to do by this Act or the regulations, subject to and in accordance with those conditions, limits and period or periods the regional manager may set out in the permit and, despite anything contained in this Act or the regulations, that person has that authority during the term of the permit.</p>	<p>Section 401 of the Clean Water Act provides states with the legal authority to review an application or project that requires a federal license or permit (in this case a 404 permit) that might result in a discharge into a water of the U.S.</p> <p>The USACE issues three types of permits under Section 404: individual permits, nationwide permits, and regional general permits. See the USACE link below for a detailed description of each of these types of permits. Comparison of State and Federally Approved Water Quality Standards.</p>	<p>and Game Habitat -430, 700-770, 900-990 (Link3)</p> <p>Sec. 16.20.195. A species or subspecies of fish or wildlife listed as endangered under AS 16.20.198 (b) may not be harvested, captured, or propagated except under the terms of a special permit issued by the commissioner of fish and game for scientific or educational purposes, or for propagation in captivity for the purpose of preservation.</p> <p>Sec. 16.20.520. Before the use, lease, or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under AS 16.20.500 - 16.20.690, the person or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail.</p> <p>AS 16. 20 Article 05. Fish and Game Critical Habitat Areas Authorization for land and water use activities in a Special Area (Refuge, Sanctuary, or Critical Habitat Area) is required in the form of a Special Area Permit. Each Special Area has certain allowable uses defined in statute and regulations. A Special Area Permit is required before any action is taken to:</p> <ul style="list-style-type: none"> construct or place 	<p>Issuance of a 401 Certification means that the Department of Ecology has reasonable assurance that the applicant's project will comply with state water quality standards and other aquatic resources protection requirements under Ecology's authority. The 401 Certification can cover both the constructions and operation of a proposed project. Conditions of the 401 Certification become conditions of the Federal permit or license.</p>	<p>Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and 77.55.361, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.</p>	<p>DEQ's role in the Section 404 permitting process entails issuing §401 certifications that the actions authorized by the permits do not violate Idaho water quality standards. DEQ coordinates closely with the Corps during the certification process of Section 404 permits. DEQ has certified with conditions the majority of the 2012 Army Corps of Engineers Nationwide Permits (NWP) authorizing the discharge of dredged or fill material associated with general types of</p>	<p>No person shall take or possess those species of wildlife classified as Protected Nongame, or Threatened or Endangered at any time or in any manner, except as provided in Sections 36-106(e), 36-401, and 36-1107, Idaho Code, by Commission rule, or IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife," Subsection 100.06.b. Protected Nongame status is not intended to prevent unintentional take of these species, protection</p>	<p>The Idaho Department of Lands has jurisdiction if proposed transmission lines fall under the rules listed below: 1. If the project encroached on or crossed navigable lakes, - Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho would apply. A permit and/or lease would be required. Easements are possible in some cases. 2. If the project encroached on or crossed navigable rivers, - Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands would apply. A permit and/or lease would be required. Easements are possible in some cases.</p>	<p>The Idaho Department of Water Resources (IDWR) has permitting authority over transmission projects that require crossings or construction within a stream channel. Chapter 38, Title 42 of the Idaho Code vests authority in the Director of IDWR to accept applications to alter stream channels and approve the applications, if appropriate. The chapter also grants IDWR the authority to enforce the law against those who alter a stream channel without a permit. IDWR jurisdiction is limited to the area of the stream channel below the mean high water mark. The channel must be of "perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water." Any excavation or fill in stream channels must be permitted. If an excavation for a transmission</p>	<p>310 Permit: Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land. Any activity that physically alters or modifies the bed or banks of a perennially flowing stream.</p> <p>SPA 124 Permit: Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries.</p> <p>City or County Floodplain Development Permit: New development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction/dev</p>	<p>87-5-103. Legislative intent, findings, and policy. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted The Nongame and Endangered Species Conservation Act. It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources. (2) The legislature finds and declares all of the following: (a) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems; (b) that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers;</p>

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			<p>structures,</p> <ul style="list-style-type: none"> • develop natural resources, • explore energy opportunities, • use off-road wheeled or tracked vehicles. 			<p>activities such as aquatic habitat restoration, establishment, and enhancement and residential, commercial, and institutional developments.</p> <p>DEQ partially certified the following three NWPs: NWP 12 (Utility Line Activities), NWP 13 (Bank Stabilization), and NWP 14 (Linear Transportation Projects).</p> <p>DEQ will provide individual §401 certifications for activities authorized under the NWPs that have been denied on a project-by-project basis.</p>	<p>of personal health and/or safety, limit property and building management, or prevent management of animals to address public health concerns or agricultural damage.</p>		<p>project exceeding 18 feet in depth is required for geotechnical testing, or for footing placement, it may be considered a "well." A well is defined as "an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water of any temperature is sought or obtained." Prior to constructing a well, the proponent of drilling a well must obtain a drilling permit from IDWR.</p> <p>Construction projects often require water for dust control or mixing construction materials. Because of the transient nature of construction projects, IDWR often issues temporary water rights to construction companies under Idaho Code 42-202A. Use under a temporary water right is limited to five acre-feet.</p>	<p>elopment, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings.</p> <p>Montana Land-use License Easement on Navigable Waters: Any entity proposing a project on lands below the low water mark of navigable waters</p> <p>Montana Water Quality Act: In compliance with Section 75-5-101 et seq., Montana Codes Annotated (MCA), Administrative Rules of Montana (ARM) 17.30.1301 et seq., and ARM 17.30.1101 et seq., owners and operators (permittees) with authorization under this "General Permit for Storm Water Discharges Associated with Construction Activity" (permit) are authorized to discharge storm water in accordance with</p>	<p>(c) that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies. 87-5-109. Taking of species for educational, scientific, or other purposes.</p> <p>(1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.</p> <p>(2) Upon good cause shown and where necessary to alleviate damage to property or to protect human</p>

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										the conditions set forth in Parts 1,2,3,4, and 5 of this permit.	health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to 87-5-105.
Application Procedure/Process	<p>If the Riparian Areas Regulation applies to your development, you need to have your property assessed by a Qualified Environmental Professional. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) on your property, which represents the development setback to prevent degradation of fish habitat. Additional measures to maintain riparian fish habitat, such as sediment and erosion control, may be included in the assessment. SPEA vegetation must be left in, or allowed to return to, a natural, undisturbed state. Formal trails and landscaping may be restricted in SPEAS if they have the potential to damage vegetation and/or interfere with the ability of the riparian area to provide fish habitat.</p> <p>RAR Assessment Report Information RAR Methodology RAR Information Form 1: RAR Assessment Report Form Form 2: Information about Additional Qualified Professionals Form 3: Detailed RAR Assessment Form Form 4: Simple RAR Assessment Form</p>	<p>The applicant must apply for and obtain a Certificate of Reasonable Assurance from the Alaska Department of Environmental Conservation (ADEC) to conduct a regulated activity that the discharge will comply with the CWA, the Alaska Water Quality Standards (WQS, 18 AAC 70), and other applicable State laws. Handbook on 401 Water Quality Certifications.</p>	<p>Sec. 16.20.195: Permit for taking endangered species Special Area Permit Application Sec. 16.20.530. Submission of plans and specifications Subsection (a): When a board determines that the following information is required, it shall instruct the commissioner, in the letter of acknowledgment required under AS 16.20.520 to require the person or governmental agency to</p>	<p>To request a 401 Certification, applicants should submit a Joint Aquatic Resources Permit Application (JARPA), along with any additional information applicable to the project (for example: mitigation plan, restoration plans, etc.) to Ecology's Federal Permit Unit. The JARPA form and additional information is available online at http://wdfw.wa.gov/licensing/hpa/ For a proposal to</p>	<p>RCW 77.55.021 Permit: Section (2): A complete written application for a permit may be submitted in person or by registered mail and must contain the following:</p> <p>(a) General plans for the overall project; (b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;</p>	<p>No overall water quality approvals or permits are required for transmission lines or their installation. However, to the extent the project or its components require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (USACE) for the discharge of dredged or fill materials into navigable waters of the United States, the permit applicant must obtain a Clean Water Act Section 401 certification from DEQ that the project or component will not</p>	<p>If it is necessary for an applicant to conduct baseline studies that include handling or collecting wildlife, then the applicant must work through Idaho Fish and Game to possess wildlife.</p> <p>IDAPA 13.01.10: No person shall import, export, transport into or cause to be transported within, release or sell within the state of Idaho any living wildlife including wildlife eggs without having first obtained a permit from, and on a form prescribed by, the Director of the</p>	<p>Encroachment Permit Applications require ALL of the following documents:</p> <ul style="list-style-type: none"> 404 Joint Application for Permit Instructions for 404 Permit Information and Sample Drawings - Contains additional information and sample drawings needed to complete the 	<p>To alter a stream channel, an applicant must file a joint-agency stream channel alteration permit and receive approval of your application. The completed application may be submitted to any Idaho Department of Water Resources office.</p> <ul style="list-style-type: none"> 404 Joint Application for 	<p>A person planning a project must contact the conservation district office to obtain a permit application prior to any activity in or near a perennial-flowing stream. Once an application is accepted, a team that consists of a conservation district representative; a Montana Fish, Wildlife & Parks biologist; and the applicant may conduct an onsite inspection. The team makes recommendations to the conservation district board,</p>	<p>Biological Assessment application and instructions.</p>

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RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	British Columbia Ministry of Environment	Alaska Department of Environmental Conservation	Alaska Department of Fish and Game	Department of Ecology	Washington Department of Fish and Wildlife	Idaho Department of Environmental Quality	Idaho Department of Fish and Game	Idaho Department of Lands	Idaho Department of Water Resources	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
	<p>Form 5: Description of Photos RAR Assessment Methods Wildlife Act: The Permit Regulation is the main legal tool that people can use to exercise special privileges under the Wildlife Act. Under the new Permit Regulation, two basic types of permits may be granted. You can obtain permits that authorize you to conduct specific activities, or that exempt you from having to comply with certain regulations. To apply for a permit, pick up an application from your nearest regional Fish and Wildlife manager, or Government Agent or the Front Counter BC. If your application for a permit is denied, you will be advised in writing of the reasons for the denial and of any appeal rights you may have.</p>		<p>submit: (1) full plans for the anticipated use; (2) full plans and specifications of proposed construction work; (3) complete plans and specifications for the proper protection of fish and game; and (4) the approximate date when the construction or work is to commence. Subsection (b): The board shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced. The Commissioner shall approve the proposed construction, work, or use in writing unless the commissioner finds the plans and specifications insufficient for the proper protection of fish and game. Upon a finding that the plans and specifications are insufficient for the proper protection of fish and game, the commissioner</p>	<p>be consistent with Washington's CZMP, the project must meet the requirements of the applicable enforcement policies. The six enforceable policies are Washington's Shoreline Management Act (SMA), State Environmental Policy Act (SEPA), Clean Water Act (401 Certification, Stormwater permits), Clean Air Act, Ocean Resources Management Act (ORMA), and WA Energy Facility Site Evaluation Council (EFSEC). When requesting a Coastal Zone Management Consistency determination, Washington Department of Ecology must receive a "Certification of Consistency" form: Form for projects receiving a Federal license or permit Form for Federal Agency activities Form for projects receiving federal funds</p>	<p>(c) Complete plans and specifications for the proper protection of fish life; (d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and (e) Payment of all applicable application fees charged by the department under RCW 77.55.321.</p>	<p>violate applicable water quality requirements.</p>	<p>Idaho Department of Fish and Game. APPLICATION FOR SCIENTIFIC COLLECTING, BANDING, OR POSSESSION PERMIT.</p>	<p>Encroachment Permit Application Commercial /Community /Non-Navigational Application</p>	<p>Permit • Instructions for 404 Permit Information and Sample Drawings - Contains additional information and sample drawings needed to complete the Encroachment Permit Application</p>	<p>which has 60 days from the time the application is accepted to approve, modify, or deny the permit. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2) (310PAI) Any agency or unit of government planning a project must submit a Notice of Construction (application) to Montana Fish, Wildlife & Parks, which has up to 30 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. An application must be submitted for review not less than 60 days before the intended start of construction. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in</p>	

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			shall notify the person or governmental agency that submitted the plans and specifications of that finding by first class mail.							Montana Application (MTJA). Instructions (MTJA-2) Montana Land-use License Easement on Navigable Waters A DNRC Land Use License or Easement Application, along with the nonrefundable application fee, must be submitted to the appropriate Land Office nearest to the project area. DNRC staff will review the application, conduct a field investigation if necessary, and file an environmental action checklist as appropriate. A written report and recommendation is then submitted to the Real Estate Management Bureau in Helena, which makes the final determination and recommends stipulations as necessary. MPDES Individual Permit Application and Instructions General Permit for Storm Water Discharges Associated With	

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										Construction Activity	
Public Notification	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing" which is the general requirements for reviewing applications and making rulings.	By agreement between the Corps and ADEC, the "Public Notice of Application for Permit" public noticed by the Corps for an individual permit serves as the ADEC application for a Certificate of Reasonable Assurance.	If the Department chooses to hold a hearing, the Department must deliver or mail a notice of hearing to all parties at least 10 days before the hearing pursuant to AS 44.62.	Often a Joint Public Notice is issued by the Department of Ecology and the federal agency issuing the permit or license, otherwise Ecology will issue a separate public notice for the project. 401 Certification: WAC 173-225-030: Whenever an application for certification required by section 401 of CWA is filed with the department of ecology, Public notice of an application shall be mailed to people and organizations who have requested it and all others deemed appropriate and, if determined by the department to be desirable in public interest, published 2 times, once a week on the same day, in a newspaper of general circulation in the county where the proposed project is located. The applicant must incur all publication costs and provide an affidavit of publication to the department. If a public hearing is held, the same notification requirements for the notice of application apply.	Not applicable.	DEQ provides an opportunity for the public to comment on its draft §401 certifications by posting our draft certifications to our website. Public comment periods typically last for 21 days, although DEQ may offer shorter or longer time frames if justified. DEQ also posts its final certification decisions to the web. DEQ certification procedures for NPDES permits where EPA provides DEQ with a preliminary draft NPDES permit, the DEQ will provide a draft water quality certification decision within 30 days, any	Link Not applicable.	Part (b) Within ten (10) days of receipt of an application submitted under subsection (a) of this section, the board shall cause to be published in a newspaper having general circulation in the county in which the encroachment is proposed, once a week for two (2) consecutive weeks, a notice advising of the application and describing the proposed encroachment and general location thereof. Applications for installation of buried or submerged water intake lines and utility lines shall be exempt from the newspaper publication process. The board may also furnish copies of the application and accompanying plans to other state agencies having an interest in the lake to determine the opinion of such state agencies as to the likely effect of the proposed encroachment upon adjacent property and lake value factors of navigation, fish and wildlife habitat,	Not applicable.	NPDES: A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under this permit. Through the submittal of an NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the conditions of this permit. 310 Permit: MCA 75-7-111: A person planning to engage in a project shall present written notice of the proposed project to the supervisors before any portion of the project takes place. (2) The notice must include the location, general description, and preliminary plan of the project. At the time of filing a notice of the proposed project under subsection (1), the applicant may sign an arbitration agreement as provided in 75-7-117 (please see below). 75-7-117: The department of natural resources and conservation, after consultation with the association of conservation districts, shall prepare an arbitration agreement for use by the conservation districts when an applicant chooses to use arbitration. The arbitration agreement	Not applicable.

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						<p>DEQ revisions or comments are included in the permit application fact sheet and the application and fact sheet are made available to the public, commencing the public comment period that is to be no less than 30 days. If EPA does not provide DEQ with a preliminary draft, the EPA will send DEQ the proposed final permit and request a final water quality certification within 30 days.</p> <p>The public may provide written comments to DEQ regarding the 401 certification. The comment period shall extend for forty-five</p>		<p>aquatic life, recreation, aesthetic beauty or water quality. Within thirty (30) days following receipt of such copy of the application and plans from the board, such other state agency shall notify the board of its opinion and recommendations, if any, for alternate plans determined by such agency to be economically feasible to accomplish the purpose of the proposed encroachment without adversely affecting unreasonably adjacent property or other lake value factors.</p>		<p>must contain provisions for an arbitration hearing process, including time and place for hearing, notification, presentation of witnesses and evidence, cross-examination, subpoenas, depositions, and the issuance of the award or change of award.</p> <p>SPA 124 Permit: Apply for via the Joint Permit Application</p> <p>Joint permit application: Once a complete permit application has been received, the floodplain administrator should prepare public notice and publish at least once in a local newspaper and serve adjacent property owners notice via first class mail.</p>	

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						(45) days after the date DEQ issues notice of its preliminary decision. Within fifteen (15) days of the date of notice of the preliminary decision, any person may request a public hearing or meeting in order to submit oral comments to DEQ. If DEQ determines a public hearing or meeting is appropriate, the meeting or hearing shall be held within the forty-five (45) day comment period, unless a later date is warranted.					
Public Involvement Requirements	Riparian Areas Regulation: The development of a recovery plan or water management plan must include a process for public participation. Not applicable for Wildlife Act or Fish Protection Act.	ADEC reviews the project as described in the Corps project public notice; coordinates with other state and federal agencies and local governments; reviews any public comments; and either approves, approves with	Special Area permit: Any person may file and accusation and a statement of issues with the Department which initiates a hearing to determine whether a right, authority, license, or privilege should be revoked, suspended,	Each public notice will include a comment period during which the public, federal, state, and local agencies, tribes, and other interested parties can submit comments on the proposed project. Comments can be submitted by mail or	RCW 77.55.341 Department to prepare and distribute information to the public. The department shall prepare and distribute technical and educational information	DEQ provides an opportunity for the public to comment on its draft §401 certifications by posting Link	Not applicable.	Any resident of the state of Idaho, or a nonresident owner or lessee of real property adjacent to the lake, or any state or federal agency may, within thirty (30) days of the first date of	The permitting rules do not require public notices or public hearings; however, in some circumstances a public hearing is necessary to ensure full	MCA 75-7-125: (2) (a) A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under subsection (1) may petition the	Not applicable.

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		conditions, waives, or denies the project based on compliance with the Clean Water Act, state water quality standards, and other applicable state laws.	limited, or conditioned. The accusation must be verified and contains the required information pursuant to AS 44.62.360.	email and will be made part of the official record. WAC 173-225-030: Any person desiring to present views on the application in relation to water pollution control considerations shall do so by providing the same in writing to the regional office of the department of ecology identified in the notice of application within 20 days after notice of the application was last published or such longer period of time as the director may determine.	to the general public to assist the public in complying with the requirements of this chapter, including the changes resulting from chapter 1, Laws of 2012 1st sp. sess.	our draft certifications to our website. Public comment periods typically last for 21 days, although DEQ may offer shorter or longer time frames if justified. DEQ also posts its final certification decisions to the web. DEQ certification procedures for NPDES permits where EPA provides DEQ with a preliminary draft NPDES permit, the DEQ will provide a draft water quality certification decision within 30 days, any DEQ revisions or comments are included in the permit application fact sheet and the application and fact sheet are		publication, file with the board an objection to the proposed encroachment and a request for a hearing on the application. If a hearing is requested, the same shall be held no later than ninety (90) days from the date of filing the application and notice of such hearing shall be given in the manner prescribed for publishing notice of application. The board may, in its discretion, within ten (10) days of filing the application, order a hearing in the first instance in which case, publication of notice of the application shall be dispensed with. All such hearings shall be public and held under rules promulgated by the board under the provisions of chapter 52, title 67 of the Idaho Code. The board shall render a decision within thirty (30) days following conclusion of the hearing and a copy of the board's decision shall be mailed to the applicant and to each person or agency appearing	coordination and project visibility. Since you cannot begin work without the permit, it is important that you allow for the permit processing time in planning your proposed project start date.	supervisors for a declaratory ruling.(b) If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(c) If the issue raised in the petition for a declaratory ruling is not of significant interest to the public, the supervisors shall provide a reasonable opportunity for the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(d) Data and information may be submitted at a hearing before the supervisors. Data and information submitted to the supervisors outside of the hearing process must be made available for public review prior to the hearing being conducted before the supervisors. 310 Permit: 75-7-125: A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under 75-7-125 subsection (1) may petition the supervisors for a declaratory ruling. If the issue raised in the petition for a declaratory ruling is of significant	

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						made available to the public, commencing the public comment period that is to be no less than 30 days. If EPA does not provide DEQ with a preliminary draft, the EPA will send DEQ the proposed final permit and request a final water quality certification within 30 days. The public may provide written comments to DEQ regarding the 401 certification. The comment period shall extend for forty-five (45) days after the date DEQ issues notice of its preliminary decision. Within fifteen (15) days of the date of notice of		at the hearing and giving testimony in support of or in opposition to the proposed encroachment. Any applicant or other aggrieved party so appearing at a hearing shall have the right to have the proceedings and decision of the board reviewed by the district court in the county where the encroachment is proposed by filing notice of appeal within thirty (30) days from the date of the board's decision. If the decision of the board be approval of a permit, the party or parties appealing shall file a bond on such appeal in an amount to be fixed by the court but not less than five hundred dollars (\$500) insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney's fees, incurred on the appeal in the event the district court sustains the action of the board.		interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.	

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						the preliminary decision, any person may request a public hearing or meeting in order to submit oral comments to DEQ. If DEQ determines a public hearing or meeting is appropriate, the meeting or hearing shall be held within the forty-five (45) day comment period, unless a later date is warranted.					
Additional Filing/Permitting Information	<p>Riparian Areas Regulation (RAR): Section 4, subsection (2): A local government may allow development to proceed if:</p> <p>(a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides their professional opinion that:</p> <p>(i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or</p> <p>(ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of</p>	<p>Permits issued under a state-run section 404 program are state permits issued under state law. For this reason, the provisions of other federal laws that apply to federal permits such as National Environmental Policy Act (NEPA), do not apply. State of Alaska's Effort to Become the Primary Agency for Section 404 Permits.</p>	Not applicable.	<p>After the application is submitted the applicant may be required to submit additional information such as wetland delineations, mitigation plans, best management practices, etc. to support application.</p> <p>WAC 173-226-090: Monitoring for compliance with limitations imposed pursuant to WAC 173-226-070 shall be no less than once per</p>	<p>Any governmental action may be conditioned or denied pursuant to SEPA. Since the Washington Department of Fish and Wildlife (WDFW) issues permits, i.e., Hydraulic Project Approvals, Grass Carp Applications, and Shooting Preserve Permits, they may be the Lead Agency in reviewing an applicant's project or action before issuing our permit. This status is determined by rule in WAC 197-11-922 through WAC 197-11-946. All agencies must send their own SEPA required actions out for review.</p>	<p>404 Permit Flow Chart</p> <p>DEQ's final decision regarding 401 certification may be appealed by the applicant or "other aggrieved person" pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §39-107(5) and</p>	<p>Permit Application: The application should be submitted with a fee of \$51.75 to either the Fisheries or Wildlife Bureau at the Headquarters Office in Boise. All permits must be reviewed and approved by the Bureau, the Bureau of Enforcement, and the appropriate Region(s).</p> <p>Permit Application: A report must be submitted within 30 days after</p>	<p>Any proposal involving state endowment lands would most likely require a lease. The project would have to be formally proposed to the department. Due diligence would include examining the proposal to determine a fit with the highest and best use for the property and if it is in the best interests of the owning endowment(s). Any proposal would also require</p>	<p>A joint-agency stream channel alteration application is used by IDWR, the Idaho Department of Lands, and the U.S. Army Corps of Engineers, is available from any of these offices or the IDWR web site. This single form is intended to streamline the application process among the various concerned resource agencies. To minimize duplication of effort when</p>	<p>Optional attachment to team member report</p> <p>Submit Notice of Construction (application to Montana Fish, Wildlife and Parks)</p> <p>A 318 authorization (formerly 3A) must be obtained from the DEQ prior to initiating a short-term activity that may cause unavoidable short-term violations of state water quality standards (see</p>	Not applicable.

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	natural features, functions and conditions that support fish life processes in the riparian assessment area, and (b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been: (i) notified of the development proposal, and (ii) provided with a copy of an assessment report prepared by a qualified environmental professional that: (A) certifies that he or she is qualified to carry out the assessment, (B) certifies that the assessment methods have been followed, and (C) provides a professional opinion, that meets the requirements of subsection (2) (a) (i) or (ii), as to the potential impact of the development on the natural features, functions and conditions that support fish life processes in the riparian assessment area. Section 4, subsection (3): A local government may allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal. Wildlife Act: Section 19 Permits, subsection (2): The form and conditions of the permit may be specified by the director. Subsection (3): If a regional manager issues a permit respecting the use of firearms, the regional manager may exempt a person from the requirements of section 9 of the Firearm Act and may specify the conveyance or type of conveyance for which the permit is limited. Subsection (4): The regional manager or the person authorized by the regional manager may amend the conditions of a permit as determined by him or her and issued under this section, but the amendment is not effective until the permittee has notice of it.			year.	RCW 77.55.021 Permit: Under RCW 43.21B.230, unless otherwise provided by law, any person with standing may commence an appeal to the pollution control hearings board by filing a notice of appeal with the board within thirty days from the date of receipt of the decision being appealed.	the Idaho Administrative Procedure Act. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure Before the Board of Environmental Quality (IDAPA 58.01.23) within thirty-five (35) days of the date of DEQ's decision regarding the 401 certification.	expiration of the permit. The report will include the date, Regional office employee notified, place of sampling, numbers and species of specimen captured, and the disposition of the specimen. A signed receipt, listing the foregoing information on any samples killed, must accompany the report. No additional permits may be granted until the report is received and accepted by the Department. No wildlife in possession may be released back into the wild without prior Department approval. If requested by the Department, a copy of the final report, of which the collection done under this permit is a part, must be furnished to the Department free of charge. The permit is not transferable, nor may its authority be delegated to any other individual(s).	examination of proforma financial statements, business history, etc. Ultimately, approval of the State Board of Land Commissioners would be needed.	submitting an application that is pertinent to more than one agency, complete the application, except for the signature sections, make copies and then sign all copies and send to appropriate agencies. The application asks for a description of the project, the amount of material that needs to be excavated or filled, any anticipated environmental consequences, the type of equipment you expect to use and other similar information. You also will need to submit plans for your project that will help reviewers understand the extent, purpose and location of the work. These plans should include some reference to water surface elevations and stream boundaries including the ordinary high water marks.	WATER QUALITY PERMITTING, p. 192). The FWP may also issue 318 authorizations during the 310 or 124 permitting process.	
Timing (high-level)	Not applicable.	ADEC Review of 404 permits: The U.S. Army Corp of Engineers (USACE) issuing the permit may set the certification response	The person or governmental agency may, within 90 days of receiving the Special Area permit notice, initiate a hearing under AS	401 Certification: The Washington Department of Ecology has up to one year to	RCW 77.55.021, subsection (7)(a): Link Protection of fish life is the only ground upon which approval of	DEQ has up to one year to provide a 401 certification decision; however, the Corps generally requests DEQ issue	The issuance of scientific banding, collecting, or possession permits require four to six weeks for approval	Not applicable.	Such application shall not be submitted not less than sixty (60) days prior to the intended date of commencement	310 Permit 60 days Section 75-7-112: The district's authorized representative shall, within 10 working days,	Not applicable (the joint permit with county and/or city does have timing requirements).

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		<p>time limit to any "reasonable period of time (which shall not exceed one year)." If the certifying agency does not respond within the time limit, §401 certification is waived, as specified under The Clean Water Act. The Corp typically provides a response period of 60-90 days but this varies by Corp district.</p> <p>Certificate of Reasonable Assurance: The State has 60 days to notify to determine if the certificate of reasonable assurance is no longer applicable due to changes in the proposal and to notify the applicant and the USACE of this change. CWA Section 401.</p>	<p>44.62.370. The agency shall deliver or mail a notice of hearing to all parties at least 10 days before the hearing. The respondent may request a hearing by filing a notice of defense pursuant to AS 44.62.390 within 15 days after the accusation is served on the respondent and that failure to do so constitutes a waiver of the right to a hearing.</p> <p>The complete record of the proceedings shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.</p> <p>The notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered.</p>	<p>certify, condition, or deny a project receiving a federal permit, approval, or license. Processing time usually takes 60 to 120 days unless a public hearing is required or an environmental statement must be prepared.</p> <p>RCW 90.48.260: The Department shall reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities first issued on January 17, 2007.</p>	<p>a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.</p> <p>Subsection 7(b): Except as provided in this subsection and subsections (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:</p> <p>(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;</p> <p>(ii) The site is physically inaccessible for inspection;</p> <p>(iii) The applicant requests a delay; or</p> <p>(iv) The department is issuing a permit for a storm water discharge and is complying with</p>	<p>a 401 certification decision within 60 days. DEQ will notify the Corps when additional time (not to exceed one year) is necessary to complete the project review and certification process.</p>	<p>and issuance. Permit Application: The application must be submitted a minimum of 20 days prior to the proposed starting date.</p>		<p>of construction of such stream channel alteration and shall be upon forms to be furnished by the director or in such other form as deemed appropriate by memorandum of agreement with other state and federal agencies and shall be accompanied by plans of the proposed stream channel alteration and the statutory filing fee.</p>	<p>notify the department of the project. The department shall, within 5 working days of receipt of the notification, inform the supervisors whether the department requests an onsite inspection by a team. If an inspection is required, the supervisors shall call a team together within 20 days and each member of the team shall recommend in writing, within 30 days of the date of inspection, denial, approval, or modification of the project to the supervisors.</p> <p>SPA 124 30 days</p> <p>A Land Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$50 application fee and a minimum annual rental fee. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days.</p> <p>MPDES General Permits</p> <p>1) Within 30 days of receiving a completed application, the DEQ will issue an authorization to operate under a general MPDES permit, or notify the applicant that the source does not qualify, citing one or more of the reasons listed in ARM 17.30.1341(4)(a-e). The public must be given notice and a 30 day comment period allowed if the source cannot qualify to operate under</p>	

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	British Columbia	Alaska		Washington		Idaho				Montana	
RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	British Columbia Ministry of Environment	Alaska Department of Environmental Conservation	Alaska Department of Fish and Game	Department of Ecology	Washington Department of Fish and Wildlife	Idaho Department of Environmental Quality	Idaho Department of Fish and Game	Idaho Department of Lands	Idaho Department of Water Resources	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
					<p>the requirements of RCW 77.55.161, subsection. The forty-five day requirement for permit issuance under RCW 77.55.021 is suspended during the time period the department is meeting the requirements of this subsection (3)(b).</p> <p>Subsection 3(c): Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.</p> <p>Subsection 3(d): The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days. Each application shall be reviewed</p>					<p>a general MPDES permit.</p> <p>2) If an authorization to operate under a general MPDES permit is denied, the DEQ will process the application as an individual MPDES permit, unless the application is withdrawn.</p>	

	British Columbia	Alaska		Washington		Idaho				Montana	
RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	British Columbia Ministry of Environment	Alaska Department of Environmental Conservation	Alaska Department of Fish and Game	Department of Ecology	Washington Department of Fish and Wildlife	Idaho Department of Environmental Quality	Idaho Department of Fish and Game	Idaho Department of Lands	Idaho Department of Water Resources	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
					<p>on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. Hydraulic Project Approval (HPA)s may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.</p> <p>WAC 220-110-310 Utility Lines</p> <p>Utility line projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to utility line projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.</p> <p>Section (1):</p>						

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	British Columbia	Alaska		Washington		Idaho				Montana	
RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	British Columbia Ministry of Environment	Alaska Department of Environmental Conservation	Alaska Department of Fish and Game	Department of Ecology	Washington Department of Fish and Wildlife	Idaho Department of Environmental Quality	Idaho Department of Fish and Game	Idaho Department of Lands	Idaho Department of Water Resources	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
					Timing restrictions for digging trenches in the beach area for the installation of cables, sewer lines, and other utilities may be further restricted to protect other important fish life. The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application. The department shall strive to issue HPAs in less than thirty days.						
Lifetime for Permit or Authorization (if applicable)	Wildlife Act: part 1, Section 59, subsection 7: Most permits apply for limited periods of time-- usually not more than 5 years.	CWA Section 404 Nationwide General Permits are certified as a category every five years at reissuance. If categorical certification is denied for any Nationwide permit, each individual project wishing to be authorized under the Nationwide permit would require 401 certification. CWA Section 401.	The commissioner may issue a permit for a fixed term not to exceed two years.	401 Certification: RCW 90.48: 401 Certification becomes part of the federal permit or license. The duration of the 401 Certification would be in effect for same time period as the permit or license, however Ecology issues 401 Certifications as administrative orders, so they may have conditions that apply to the project longer than the federal permit or license.	Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Montana Land-use License Easement on Navigable Waters 10 years – may request renewal for additional ten years All MPDES permits are issued for a fixed term, not to exceed five years.	Not applicable.
Reporting Requirements	Not applicable.	Not applicable.	Mitigation: As a condition of project approval, applications will be required to compensate fully for damage to fish and wildlife and their habitat by employing the most appropriate techniques. Where determined necessary by the department, a	RCW 36.70A.130: Each county and city shall establish and broadly disseminate to the public a public participation program consistent that identifies procedures and schedules whereby reviewed and revised, proposed amendments, or revisions of the	Not applicable.	When a certification is issued with conditions, it may specify effluent or other limitations and/or other requirements (e.g., monitoring, reporting, implementing best	The Department suggests options to avoid or mitigate a project's potential for detrimental effects.	Not applicable.	Not applicable.	Not applicable to all.	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	British Columbia	Alaska		Washington	Idaho				Montana		
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>British Columbia Ministry of Environment</i>	<i>Alaska Department of Environmental Conservation</i>	<i>Alaska Department of Fish and Game</i>	<i>Department of Ecology</i>	<i>Washington Department of Fish and Wildlife</i>	<i>Idaho Department of Environmental Quality</i>	<i>Idaho Department of Fish and Game</i>	<i>Idaho Department of Lands</i>	<i>Idaho Department of Water Resources</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>
			mitigation plan pursuant to 4 AAC 95 will be required.	comprehensive plan are considered by the governing body of the county or city no more frequently than once every year.		management practices) to ensure the project will not violate state water quality standards or other water quality requirements of state laws. Those conditions become conditions of the license or permit and are enforceable.					

Table 20. Regulations – Alberta, Montana

	Alberta	Montana
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Alberta Utilities Commission</i>	<i>Montana Public Service Commission</i>
Applicable If	Private electric utilities propose to construct or operate utilities in Alberta.	An electric utility proposes to operate or construct a utility project in the State of Montana.
Statute or Regulation	Alberta Utilities Commission Act. Electric Utilities Act. AUCA2007 Hydro and Electric Energy Act. EUA2003 Public Utilities Act. HEEA2000 Alberta Utilities Commission (AUC) Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designation. PUJA2000 AUCR7	Montana Code Title 69 Public Utilities and Carriers. MPLUC DEQ Montana Environmental Policy Act (MEPA) Procedural Rule and Guidelines. DEQMEPA
Regulated Activity	The Alberta Utilities Commission regulates private electric utilities and markets for environmental, social and economic interest protection.	The Montana Public Service Commission regulates the rate services provided by electric utilities.
Application Procedure/Process	<p>Before facility applications can be submitted, the Alberta Electric System Operator (AESO) determines, using technical models, the need for a transmission application. If a need is identified, AESO prepares a Need Identification Document (NID) and files it with the Commission. The NID application includes the circumstances creating the need for the application and assigns the Transmission Facility Owner (TFO) responsible for the project. The TFO then submits a permit to construct and a license to operate the facility application to the Commission. The TFO application must include alternative transmission line placement, land zoning, land use, land ownership, existing developments, agriculture, wildlife, parks, recreational areas, and archaeological and historical resources. A public consultation period must be conducted by AESO and TFO to submit their respective applications. The Public Consultation must follow the requirements specified under AUC Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designation.</p> <p>After the public consultation period, AESO completes the application by adding the following information:</p> <ul style="list-style-type: none"> • Agricultural, residential, and environmental impacts • Cost • Electrical considerations • Visual impact • Special constraints <p>The Commission requires all applications to be e-filed on their website and the Commission can request additional information be included in the TFO application.</p> <p>The Commission then reviews the application. The Commission sends a direct notice to all affected parties and publishes a Notice of Application in local newspapers that specifies how the public can acquire a copy of the application and participate in the application process. The Commission then publishes a Notice of Hearing in the local newspaper and conducts a Public Hearing. Following the hearing, the Commission files a Letter of decision</p> <p>Determining if the application is approved, conditionally approved, or denied.</p>	<p>Utilities must submit an application to the Commission for construction and operation of utility facilities. The application must include:</p> <ul style="list-style-type: none"> • A description of the project • Description of design alternatives considered • Application summary • Design characteristics • Construction description • Operation and maintenance description • Facility costs, which includes the environmental cost • Explanation of need • Analysis of alternatives, which includes reconnaissance of the study area and an environmental information inventory <p>The Commission requires the applicant to provide enough information for the Montana Department of Health and Environmental Science to evaluate the project proposal, as required by MEPA. The Montana Department of Health and Environmental Sciences requires mitigation and sensitive area measures. A biological resource impacts analysis must also be completed. The analysis should include wildlife, vegetation, cultural resource overview and impacts, recreation areas and impacts, lakes, streams, water resources, wilderness areas, noise and electrical impacts, and alternative proposals examined.</p> <p>The Environmental Quality Council advises legislatures and the governor on current and prospective environmental quality in an area that would be affected by a project proposal. The Council's goal is to ensure that the proposed project would comply with MEPA 75-1-103.</p>
Public Notification	AESO must notify landowners in the proposed transmission corridors and TFO must provide information to all potentially affected parties.	The Commission publishes a Notice of Application, Notice of Public Meetings, Notice of Opportunity to Comment, public meeting testimony, the application, and all final orders to their website. All reports, records, accounts, files, papers, and memos related to the Commission are open to the public unless otherwise noted.
Public Involvement Requirements	Members of the public can apply to become an intervener in the public hearing by submitting a description of interest and an explanation of their position on the application.	All public hearings are open to the public unless otherwise noted. The public must submit an application as an intervener to participate in public meetings beyond giving a public comment. The public can file a comment for any active Commission proceedings. The public can file a complaint with the Commission for any utility regulated by the Commission.
Additional Filing/Permitting Information	Not applicable.	Utilities must provide copies of permit applications required by MEPA with project applications to the Commission. Permits include water discharge and land use permits.
Timing (high-level)	The Commission must release their decision of an application 90 days after the public hearing is closed.	The Commission must determine if an application is adequate or not within 45 days of submission.
Lifetime for Permit or Authorization (if applicable)	Not applicable.	A final order is upheld until a revision, appeal, or new order replaces it.
Reporting Requirements	Not applicable.	Public utilities must close all accounts on either June 30 or December 31 and provide the Commission with an annual report of the accounts by October 31.

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	Alberta	Montana
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Alberta Environment Sustainable Resource Development	Montana Environmental Quality Council
Applicable If	A developer proposes a transmission project in Alberta, subject to environmental review process.	The siting of an electric transmission line impacts the environment and natural resources as part of the Montana Major Facility Siting Act.
Statute or Regulation	Environmental Protection and Enhancement Act Alberta 2000 Chapter E-12. Link	The Montana Environmental Policy Act. (MEPA) MEPA Montana Major Facility Siting Act, 75-20-101 et seq., (MFSA) MCA MFSA
Regulated Activity	Part 2, Section 40: Purpose of environmental assessment process: The purpose of the environmental assessment process is: (a) to support the goals of environmental protection and sustainable development, (b) to integrate environmental protection and economic decisions at the earliest stages of planning an activity, (c) to predict the environmental, social, economic and cultural consequences of a proposed activity and to assess plans to mitigate any adverse impacts resulting from the proposed activity, and (d) to provide for the involvement of the public, proponents, the Government and Government agencies in the review of proposed activities.	The Montana Environmental Policy Act (MEPA): Requiring environmental assessment or environmental impact statement to assist the legislature in determining whether laws are adequate to address impacts to Montana’s environment. MFSA: MCA, Section 75-20-102. Subsection (4): Construction of additional electric transmission facilities may be necessary to meet the increasing need for electricity, energy, and other products. Therefore, it is necessary to ensure that the location, construction, and operation of electric transmission facilities are in compliance with state law and that an electric transmission facility may not be constructed or operated within this state without a certificate of compliance acquired pursuant to this chapter. 75-20-104 Facilities covered by MFSA are listed in Section 75-20-104, subsection(8), MCA. Information concerning the need for the transmission line, the proposed location, baseline data and reasonable alternate locations must be included in the application. See 75-20-211, MCA, Circular 1 and Circular 2 for details.
Application Procedure/Process	Part 2, section 49: Contents of Environmental Impact Assessment report: An environmental impact assessment report must be prepared in accordance with the final terms of reference issued by the Director under section 48(3) and shall include the following information unless the Director provides otherwise: (a) a description of the proposed activity and an analysis of the need for the activity; (b) an analysis of the site selection procedure for the proposed activity, including a statement of the reasons why the proposed site was chosen and a consideration of alternative sites; (c) an identification of existing baseline environmental conditions and areas of major concern that should be considered; (d) a description of potential positive and negative environmental, social, economic and cultural impacts of the proposed activity, including cumulative, regional, temporal and spatial considerations; (e) an analysis of the significance of the potential impacts identified under clause (d); (f) the plans that have been or will be developed to mitigate the potential negative impacts identified under clause (d); (g) an identification of issues related to human health that should be considered; (h) a consideration of the alternatives to the proposed activity, including the alternative of not proceeding with the proposed activity; (i) the plans that have been or will be developed to monitor environmental impacts that are predicted to occur and the plans that have been or will be developed to monitor proposed mitigation measures; (j) the contingency plans that have been or will be developed in order to respond to unpredicted negative impacts; (k) the plans that have been or will be developed for waste minimization and recycling; (l) the manner in which the proponent intends to implement a program of public consultation in respect of the undertaking of the proposed activity and to present the results of that program; (m) the plans that have been or will be developed to minimize the production or the release into the environment of substances that may have an adverse effect; (n) the final terms of reference issued by the Director under section 48(3); (o) any other information that the Director considers necessary to assess the proposed activity.	MEPA: For the purpose of complying with Part 2 of MEPA, an application for a permit, license, or other authorization that contains all data, studies, plans, information, forms, fees, and signatures required to be included with the application sufficient for the agency to approve the application under the applicable statutes and rules (75-1-220(3), MCA). MFSA MFSA: An applicant for a certificate under the Montana Major Facility Siting Act (MFSA) must file an application with the DEQ.
Public Notification	Part 2, section 52: Publication of Environmental Impact Assessment report: The Director shall require the proponent to publish the environmental impact assessment report and otherwise make it available in accordance with the regulations.	The MEPA Model Rules require a Record of Decision (ROD) for actions requiring an EIS (MEPA Model Rule XVIII). The ROD is a concise public notice that announces the decision, explains the reasons for the decision, and explains any special conditions surrounding the decision or its implementation. MFSA: Certificate of compliance: MCA 75-2-207: Whenever a person plans to construct an electric transmission line or associated facilities under the provisions of 75-20-104(8)(a)(ii), it must provide public notice to persons residing in the area in which any portion of the electric transmission facility may be located and to the department through publication of a project summary that includes the proposed location in newspapers that will substantially inform those persons of the construction. The applicant must also mail a summary to the department. The notice must inform the property owners of their rights under this chapter concerning the location of the facility and that more information concerning their rights may be obtained from the department. MCA 75-20-211: The copy of the application must be accompanied by a notice specifying the date on or about which the application is to be

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	Alberta	Montana
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Alberta Environment Sustainable Resource Development</i>	<i>Montana Environmental Quality Council</i>
		filed. An application must also be accompanied by proof that public notice of the application was given to persons residing in the county in which any portion of the proposed facility is proposed or is alternatively proposed to be located, by publication of a summary of the application in those newspapers that will substantially inform those persons of the application.
Public Involvement Requirements	Part 1, section 14 Development of guidelines and objectives: Subsection (1): In order to further the protection and wise use of the environment, the Minister shall, after having complied with any applicable regulations regarding public input or, in the absence of regulations, after having engaged in any public consultation that the Minister considers appropriate, develop ambient environmental quality objectives in qualitative or quantitative terms for all or part of Alberta.	MEPA: Public scoping process for an environmental review is triggered by permitting or state approval process within 60 days of agency's receipt of complete application. Invite public participation in the determination of the scope of an EIS, provide a minimum 30 day public comment period for draft EIS and 15 day public comment period for final EIS, and include public comments and agency responses in final EIS. MFSA: 75-20-102 Section (6) The legislature also finds that it is the purpose of this chapter to: (a) ensure protection of the state's environmental resources, including but not limited to air, water, animals, plants, and soils; (b) ensure consideration of socioeconomic impacts; (c) provide citizens with the opportunity to participate in facility siting decisions; and (d) establish a coordinated and efficient method for the processing of all authorizations required for regulated facilities under this chapter. Certificate of compliance: MCA 75-20-223: A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board. If the department provided an opportunity for public comment on the application, the request for a hearing must be limited to those issues the party has raised in comments made to the department during the comment period.
Additional Filing/Permitting Information	Not applicable.	MEPA: If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the agency and the applicant at the time the application is filed. MFSA: The DEQ shall approve a transmission line facility as proposed or as modified or an alternative to the proposed facility if it finds and determines the need for the facility; the nature of probable environmental impacts; that the facility minimizes adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives; what part, if any, would be located underground; that the location of the proposed facility conforms to applicable state and local laws; that the facility will serve the public interest, convenience and necessity; that the DEQ has issued all necessary decisions, opinions, orders, certifications and permits; and that the use of public lands for location of the facility is evaluated and public lands are selected whenever their use is as economically practicable as the use of private lands. See 75-20-301(1), for details.
Timing (high-level)	Section 86(1) The Lieutenant Governor in Council may make regulations (a) respecting the terms and conditions on which approvals and certificates of qualification may be granted and to which they are subject; (b) prescribing the length of time for which approvals, registrations and certificates of qualification may be issued and permitting the Director to issue an approval, registration or certificate of qualification or the authorized representative of a designated organization to issue a certificate of qualification for a shorter period of time than prescribed in the regulations.	The Montana Environmental Policy Act does not have any statutory timeframes for preparing MEPA documents or conducting an environmental review process. MFSA: Within nine months following acceptance of an application, the DEQ must issue a report that includes the department's studies; evaluations; recommendations; customer fiscal impact analysis, if required under 69-2- 216, MCA; and other relevant documents. An Environmental Impact Statement or analysis may be included if there is compelling evidence that the facility construction and operation will have adverse environmental impacts (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123). For a facility that is unlikely to result in adverse environmental impacts, the DEQs decision must be returned in 90 days. Before issuing a decision, the DEQ will provide an opportunity for public review and comment. Certificate of compliance: MCA 75-20—207: Public notice for plans to construct an electric transmission line must be made no less than 60 days prior to the commencement of acquisition of right-of-way by publication of a summary. MCA 75-20-208: Prior to constructing a transmission line the person planning to construct the line shall provide to the department within 36 months of the date of the public notice copies of the right-of-way agreements and verification that does not include an electric transmission line with a design capacity of more than 69 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline. MCA 75-20-216: After receipt of an application, the department shall within 30 days notify the applicant in writing if the application is complete, pursuant to MCA 75-20-216 or request additional information. MCA 75-20-216: The department shall issue a decision, opinion, order, certification, or permit within 9 months following the date of acceptance of an application. MCA 75-20-301: Within 30 days after issuance of the report pursuant to 75-20-216, the department shall approve a facility as proposed or as modified or an alternative to a proposed facility. MCA 75-20-223: If a hearing is requested, the applicant may file a written election with the board within 15 days of receipt of the request for hearing, elect to have the matter proceed to hearing before the board or to have the matter submitted directly to the district court for judicial

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	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Alberta Environment Sustainable Resource Development	Montana Environmental Quality Council	
		review of the agency decision.	
Reporting Requirements	<p>State of the environment reporting</p> <p>Section 15 The Minister shall report annually on the state of the Alberta environment.</p> <p>Ministerial regulations respecting environmental monitoring programs</p> <p>Section 36.1 The Minister may make regulations respecting the establishment and operation of one or more environmental monitoring programs, including, without limitation, regulations Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA)'s mandate is provide the timely and objective monitoring, evaluation and reporting of data and information on air, land, water and biodiversity, including information necessary to understand cumulative effects, in order to better inform the understanding of the public, policy makers, regulators, planners, researchers, communities, and industry. (Note: AMERA is a nongovernmental entity who operates under the authority and mandate of the Environmental Protection and Enhancement Act.</p>	<p>MEPA: Section 75-1-314 75-1-314. Reporting requirements. Subsection (1): The departments of environmental quality, agriculture, and natural resources and conservation shall biennially report to the council the following natural resource and environmental compliance and enforcement information:</p> <p>(a) the activities and efforts taking place to promote compliance assistance and education;</p> <p>(b) the size and description of the regulated community and the estimated proportion of that community that is in compliance;</p> <p>(c) the number, description, method of discovery, and significance of noncompliances, including those noncompliances that are pending; and</p> <p>(d) a description of how the department has addressed the noncompliances identified in subsection (1)(c) and a list of the noncompliances left unresolved.</p> <p>Subsection (2): When practical, reporting required in subsection (1) should include quantitative trend information.</p> <p>MESA: Certificate of compliance: MCA 75-20-216: within 9 months following acceptance of an application for a facility, the department shall issue a report that must contain the department's studies, evaluations, recommendations, customer fiscal impact analysis, if required pursuant to 69-2-216, and other pertinent documents resulting from its study and evaluation. An environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act may be included in the department findings if compelling evidence indicates that adverse environmental impacts are likely to result due to the construction and operation of a proposed facility.</p>	
	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	Alberta Environment and Sustainable Resource Development	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
Applicable If	A transmission line project would have an impact on the province's water, wildlife, and wetlands.	A transmission line project would need permits for private entities to work in or near a stream on public or private land. This agency also regulates projects that include construction or modification that may affect the shape or form of stream banks or tributaries, projects including transmission lines that may affect floodplains, projects that occur below the low water mark of navigable waters, and projects that may discharge into navigable waters.	A transmission line project would have an impact on the state's fish and wildlife resources.
Statute or Regulation	<p>Alberta Water Act.</p> <p>Wildlife Act.</p> <p>Alberta Wetlands Policy.</p> <p>Wetlands Management an Interim Policy.</p>	<p>Link</p> <p>WA2000 Montana Natural Streambed and Land Preservation Act (310 Permit)</p> <p>AWP2013 Montana Stream Protection Act (SPA 124 Permit)</p> <p>WM1993 Montana Land-use License Easement on Navigable Waters</p> <p>MLUENW Application for Proposed Work in Streams, Lakes and Wetlands</p>	<p>310P</p> <p>SPA124-1</p> <p>MLUENW</p> <p>Title 87 Fish and Wildlife Chapter 5 Wildlife Protection. Link</p>
Regulated Activity	<p>Water Act:</p> <p>Approval:</p> <p>Section 5(1) If the Director is of the opinion that an activity, diversion of water or operation of a works requires an approval under the Environmental Protection and Enhancement Act, the Director must refer the activity, diversion of water or operation of a works for review, and may make any recommendations that the Director considers appropriate, to a Director under the Environmental Protection and Enhancement Act.</p> <p>Section 36(1) Subject to subsection (2), no person may commence or continue an activity except pursuant to an approval unless it is otherwise authorized under the Water Act.</p> <p>Certificate of completion:</p> <p>40(1) Unless the requirement for a certificate of completion is waived by the Director, on completion of the activity.</p> <p>License:</p> <p>Section 37(3) The Director may deem an application for an approval to be an application for a licence Temporary Diversion License:</p> <p>Preliminary certificate:</p> <p>Section 66(1) If a person has applied for a licence, other than a licence for the temporary diversion of water, the Director may issue</p>	<p>WA-FAQ</p> <p>310 Permit:</p> <p>Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land. Any activity that physically alters or modifies the bed or banks of a perennially flowing stream.</p> <p>SPA 124 Permit:</p> <p>Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries.</p> <p>City or County Floodplain Development Permit:</p> <p>New development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction/development, placement, or replacement of manufactured homes; and new</p>	<p>SWRCA</p> <p>87-5-103.</p> <p>Legislative intent, findings, and policy.</p> <p>(1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted The Nongame and Endangered Species Conservation Act. It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.</p> <p>(2) The legislature finds and declares all of the following:</p> <p>(a) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems;</p> <p>(b) that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected</p>

	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	Alberta Environment and Sustainable Resource Development	Montana Department of Environmental Quality	Montana Fish, Wildlife and Parks
	<p>a preliminary certificate under section 51 to that person for the period of time stated in the preliminary certificate.</p> <p>Water Act FAQs The Wildlife Act Endangered Species Conservation Committee</p> <p>Section 6(1) The Minister shall establish and maintain a committee to be known as the “Endangered Species Conservation Committee”, whose functions are to advise the Minister about endangered species and to make recommendations to the Minister with respect to</p> <p>(a) the preparation and the adoption by the Minister of recovery plans for endangered species, (b) organisms that should be established as endangered species, (c) endangered species and biodiversity conservation, and (d) any other matters respecting endangered species on which the Minister requests its advice, in accordance with this section.</p> <p>Alberta Wetlands Policy: The goal of Alberta Wetland Policy is to conserve, restore, and manage Alberta’s wetlands to sustain the benefits they provide to the environment, society, and economy. To achieve this goal, the policy will focus on the following outcomes:</p> <ol style="list-style-type: none"> 1. Wetlands of the highest value are protected for the long-term benefit of all Albertans. 2. Wetlands and their benefits are conserved and restored in areas where losses have been high. 3. Wetlands are managed by avoiding, minimizing, and if necessary, replacing lost wetland value. 4. Wetland management considers regional context. <p>Where development activities have the potential to affect wetlands, the wetland policy promotes avoidance and minimization, as the preferred course of action. Where impacts cannot be avoided or minimized, and permanent wetland loss is incurred, wetland replacement is required. The amount of wetland replacement required will reflect differences in relative wetland value.</p> <p>The primary legislative basis for implementing this policy is the Water Act. There are also a number of federal, provincial, and municipal statutes and policies that regulate or guide aspects of wetlands management. This policy will not exempt a proponent from other regulatory requirements.</p>	<p>construction, additions, or substantial improvements to residential and commercial buildings.</p> <p>Montana Land-use License Easement on Navigable Waters:</p> <p>Any entity proposing a project on lands below the low water mark of navigable waters</p> <p>Montana Water Quality Act:</p> <p>In compliance with Section 75-5-101 et seq., Montana Codes Annotated (MCA), Administrative Rules of Montana (ARM) 17.30.1301 et seq., and ARM 17.30.1101 et seq., owners and operators (permittees) with authorization under this "General Permit for Storm Water Discharges Associated with Construction Activity" (permit) are authorized to discharge storm water in accordance with the conditions set forth in Parts 1,2,3,4, and 5 of this permit.</p>	<p>in order to maintain and, to the extent possible, enhance their numbers;</p> <p>(c) that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies. 87-5-109. Taking of species for educational, scientific, or other purposes.</p> <p>(1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.</p> <p>(2) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life.</p> <p>Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to 87-5-105.</p>
Application Procedure/Process	<p>Water Act: Approval and Licence: Section 16(1) Unless the regulations provide otherwise, the Director may not issue or amend an approval, preliminary certificate or licence or approve a transfer of an allocation of water under a licence if the Director is of the opinion that Part 2, Division 1 of the Environmental Protection and Enhancement Act, if applicable, has not been complied with. (2) Notwithstanding subsection (1), the Director may issue an approval, preliminary certificate or licence to enable a proponent to comply with Part 2, Division 1 of the Environmental Protection and Enhancement Act.</p> <p>Water Act Application Approval: Section 37(1) A person who applies for an approval must</p> <p>(a) make an application to the Director in a form and manner satisfactory to the Director, (b) submit the information, including but not limited to plans and specifications, required by the Director, (c) pay the required fees, and (d) provide notice of the application in accordance with Part 8.</p> <p>Section 38(1) Subject to section 34, the Director may issue or refuse to issue an approval to an applicant to commence or continue an activity. The Director</p> <p>(a) must consider, with respect to the applicable area of the Province, the matters and factors required pursuant to the Water Act Section 38(2).</p> <p>Certificate of completion: Section 40(1): The Certificate of completion must contain the information required by the Director, and certify that the approval holder has completed the activity in accordance with the approval.</p> <p>Wildlife Act</p>	<p>A person planning a project must contact the conservation district office to obtain a permit application prior to any activity in or near a perennial-flowing stream. Once an application is accepted, a team that consists of a conservation district representative; a Montana Fish, Wildlife & Parks biologist; and the applicant may conduct an onsite inspection. The team makes recommendations to the conservation district board, which has 60 days from the time the application is accepted to approve, modify, or deny the permit. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2) (310PAI)</p> <p>Any agency or unit of government planning a project must submit a Notice of Construction (application) to Montana Fish, Wildlife & Parks, which has up to 30 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. An application must be submitted for review not less than 60 days before the intended start of construction. Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2)</p> <p>Montana Land-use License Easement on Navigable Waters A DNRC Land Use License or Easement Application, along</p>	<p>Biological Assessment application and instructions.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>
	<p>Section 12(1) The Minister may make regulations, with respect to licences and permits,</p> <p>(a) establishing and specifying the activities authorized by or under them;</p> <p>(b) subdividing them into classes according to the prescribed criteria;</p> <p>(c) specifying qualifications required to obtain and hold them, including training and testing;</p> <p>(d) establishing conditions precedent to obtaining them;</p> <p>(e) providing for their distribution or allocation, including the methods of and procedures for distribution or allocation.</p> <p>(2) The rights attached to a licence or permit are subject to any terms and conditions applicable to it that may be provided by this Act or as may be endorsed by the Minister on the licence or permit.</p> <p>(3) A person shall not contravene any of the terms or conditions of a licence or permit.</p> <p>Section 13(1) Except as prescribed, the Minister may issue a licence or permit to an applicant and may</p> <p>(a) determine the number of licences or permits to be issued, and</p> <p>(b) where the number of licences or permits is to be limited, establish the manner in which they are to be allocated.</p> <p>(2) An applicant for a licence or permit shall furnish any information that the Minister reasonably requests to enable the Minister to determine whether the application should be granted or refused and the appropriate conditions to attach, if any.</p>	<p>with the nonrefundable application fee, must be submitted to the appropriate Land Office nearest to the project area. DNRC staff will review the application, conduct a field investigation if necessary, and file an environmental action checklist as appropriate. A written report and recommendation is then submitted to the Real Estate Management Bureau in Helena, which makes the final determination and recommends stipulations as necessary.</p> <p>MPDES Individual Permit Application and Instructions General Permit for Storm Water Discharges Associated With Construction Activity</p>	
Public Notification	<p>Water Act: Approval: Section 39 An approval holder shall</p> <p>(a) ensure that a copy of the approval is</p> <p>(i) kept at the place where the activity occurs,</p> <p>(ii) posted or otherwise made available, as required by the Director, and</p> <p>(iii) produced in accordance with Part 10 of the Water Act</p> <p>Certificate of completion: Section 40(3) Notice of an application to amend an approval must be provided in accordance with Part 8 of the Water Act.</p>	<p>NPDES: A Notice of Intent (NOI) process is used for an owner or operator to obtain authorization to discharge under this permit. Through the submittal of an NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the conditions of this permit.</p> <p>310 Permit: MCA 75-7-111: A person planning to engage in a project shall present written notice of the proposed project to the supervisors before any portion of the project takes place.</p> <p>(2) The notice must include the location, general description, and preliminary plan of the project. At the time of filing a notice of the proposed project under subsection (1), the applicant may sign an arbitration agreement as provided in 75-7-117 (please see below).</p> <p>75-7-117: The department of natural resources and conservation, after consultation with the association of conservation districts, shall prepare an arbitration agreement for use by the conservation districts when an applicant chooses to use arbitration. The arbitration agreement must contain provisions for an arbitration hearing process, including time and place for hearing, notification, presentation of witnesses and evidence, cross-examination, subpoenas, depositions, and the issuance of the award or change of award.</p> <p>SPA 124 Permit: Apply for via the Joint Permit Application Joint permit application: Once a complete permit application has been received, the floodplain administrator should prepare public notice and publish at least once in a local newspaper and serve adjacent property owners notice via first class mail.</p>	Not applicable.
Public Involvement Requirements	<p>The Water Act: Approval: Section 109(1) If notice is provided any person who is directly affected by the application or proposed amendment and the approval holder may submit to the Director a written statement of concern setting out that person's concerns with respect to the application or proposed amendment.</p>	<p>MCA 75-7-125: (2) (a) A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under subsection (1) may petition the supervisors for a declaratory ruling.(b) If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for</p>	Not applicable.

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	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>
	Section 115(1) A notice of appeal under may be submitted to the Environmental Appeals Board by any person who issued a written statement of concern. Section 116(3) A notice of appeal must contain the information and be made in the manner provided for in the Environmental Protection and Enhancement Act and the regulations.	interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(c) If the issue raised in the petition for a declaratory ruling is not of significant interest to the public, the supervisors shall provide a reasonable opportunity for the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(d) Data and information may be submitted at a hearing before the supervisors. Data and information submitted to the supervisors outside of the hearing process must be made available for public review prior to the hearing being conducted before the supervisors. 310 Permit: 75-7-125: A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under 75-7-125 subsection (1) may petition the supervisors for a declaratory ruling. If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.	
Additional Filing/Permitting Information	Water Act: Approval: Part (2) The Director may require an applicant to submit any additional information including but not limited to plans and specifications the Director considers necessary within any time period required by the Director.	Optional attachment to team member report Submit Notice of Construction (application to Montana Fish, Wildlife and Parks) A 318 authorization (formerly 3A) must be obtained from the DEQ prior to initiating a short-term activity that may cause unavoidable short-term violations of state water quality standards (see WATER QUALITY PERMITTING, p. 192). The FWP may also issue 318 authorizations during the 310 or 124 permitting process.	Not applicable.
Timing (high-level)	The Water Act: Approval: Section 109(2) A statement of concern must be submitted within 7 days after the last providing of the notice. Section 111(1) If the Director issues an approval Section 116(1) A notice of appeal must be submitted to the Environmental Appeals Board not later than 7 days after receipt of notice of the Decision. License: Section109(2) A statement of concern must be submitted within 30 days after the last providing of the notice. Preliminary certificate or licence.	310 Permit 60 days Section 75-7-112: The district's authorized representative shall, within 10 working days, notify the department of the project. The department shall, within 5 working days of receipt of the notification, inform the supervisors whether the department requests an onsite inspection by a team. If an inspection is required, the supervisors shall call a team together within 20 days and each member of the team shall recommend in writing, within 30 days of the date of inspection, denial, approval, or modification of the project to the supervisors. SPA 124 30 days A Land Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$50 application fee and a minimum annual rental fee. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days. MPDES General Permits 1) Within 30 days of receiving a completed application, the DEQ will issue an authorization to operate under a general MPDES permit, or notify the applicant that the source does not qualify, citing one or more of the reasons listed in ARM 17.30.1341(4)(a-e). The public must be given notice and a 30 day comment period allowed if the source cannot qualify to operate under a general MPDES permit. 2) If an authorization to operate under a general MPDES permit is denied, the DEQ will process the application as an individual MPDES	Not applicable (the joint permit with county and/or city does have timing requirements).

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	Alberta	Montana	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Alberta Environment and Sustainable Resource Development</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>
		permit, unless the application is withdrawn.	
Lifetime for Permit or Authorization (if applicable)	<p>The Water Act: Part 2, section 12 Licence expiry dates</p> <p>Subsection (1): If there is an applicable approved water management plan, an order of the Minister or a water guideline that specifies what an expiry date of a licence should be or how an expiry date of a licence should be determined, the Director must determine the expiry date of the licence in accordance with that plan, order or water guideline.</p> <p>Subsection (2): Subject to subsection (3), if there is no applicable approved water management plan, order of the Minister or water guideline that specifies what an expiry date of a licence should be or how an expiry date of a licence should be determined, the Director must issue a licence with an expiry date of</p> <p>(a) 10 years,</p> <p>(b) less than 10 years if:</p> <p>(i) the applicant for the licence has applied for a licence with an expiry date of less than 10 years, or</p> <p>(ii) in the opinion of the Director, the expected duration of the project is less than 10 years,</p> <p>(c) more than 10 years if the Director has considered any one or more of the criteria specified in subsection (4)</p> <p>The Wildlife Act: Expiry: Section 17 Unless otherwise specified on a licence or permit, the licence or permit expires on March 31 following the date of its issue.</p>	<p>Montana Land-use License Easement on Navigable Waters 10 years – may request renewal for additional ten years All MPDES permits are issued for a fixed term, not to exceed five years.</p>	Not applicable.
Reporting Requirements	<p>The Wildlife Act: Reporting: Section 82(1) The Minister may, by notice in writing, require a permit holder, holder of a fur farm licence or other person who owns or is in charge of permit premises or a fur farm to submit to the Minister, within the time stated in the notice, (a) a written return</p> <p>(i) showing in detail any information required by the notice that relates or is incidental to any operations that are or have been conducted on the permit premises or fur arm or to the wildlife or controlled animals on those premises, and</p> <p>(ii) containing or pertaining to any records that relate to operations or animals referred to in subclause (i) and that are sufficiently described in the notice to enable their identification, and any animal to which the return relates.</p> <p>(2) The Minister may, by notice in writing, require a person other than one referred to in subsection (1) to submit to the Minister, within the time stated in the notice, any records that are required to be kept by that person by or under this Act and that are sufficiently described in the notice to enable their identification.</p> <p>(3) A person to whom a notice is given under subsection (1) or (2) shall comply with the notice, but may comply with a notice under subsection (1)(a)(ii) or (2) by permitting any person designated by the Minister to inspect the records to which the notice relates and, on the request of that person, to take them away for further examination or copying.</p> <p>Alberta's Wetlands Policy: The Alberta Wetland Policy, its administration, and its effectiveness will be evaluated and reported on periodically to ensure that the goal and outcomes are being met. Performance measures will be developed and used to evaluate progress toward achieving the policy goal and outcomes. The policy and its implementation will be reviewed regularly to reflect the status of the province's wetlands, and to ensure that advances in wetland science are incorporated.</p>	Not applicable to all.	Not applicable.

Table 21. Regulations – Saskatchewan, Montana, North Dakota

	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>No Applicable Agency</i>	<i>Montana Public Service Commission</i>	<i>Public Service Commission, North Dakota</i>
Applicable If		An electric utility proposes to operate or construct a utility project in the State of Montana.	A person proposes to operate, construct, or site a project or transmission facility.
Statute or Regulation		Montana Code Title 69 Public Utilities and Carriers. MPUC DEQ Montana Environmental Policy Act (MEPA) Procedural Rule and Guidelines. DEQMEPA	North Dakota Century Code Title 49 Public Utilities. ND49PU North Dakota Administrative Code 69.06. ND69.06
Regulated Activity		The Montana Public Service Commission regulates the rate services provided by electric utilities.	The North Dakota Public Service Commission regulates electric utilities and transmission facility siting
Application Procedure/Process		<p>Utilities must submit an application to the Commission for construction and operation of utility facilities. The application must include:</p> <ul style="list-style-type: none"> • A description of the project • Description of design alternatives considered • Application summary • Design characteristics • Construction description • Operation and maintenance description • Facility costs, which includes the environmental cost • Explanation of need • Analysis of alternatives, which includes reconnaissance of the study area and an environmental information inventory <p>The Commission requires the applicant to provide enough information for the Montana Department of Health and Environmental Science to evaluate the project proposal, as required by MEPA. The Montana Department of Health and Environmental Sciences requires mitigation and sensitive area measures. A biological resource impacts analysis must also be completed. The analysis should include wildlife, vegetation, cultural resource overview and impacts, recreation areas and impacts, lakes, streams, water resources, wilderness areas, noise and electrical impacts, and alternative proposals examined.</p> <p>The Environmental Quality Council advises legislatures and the governor on current and prospective environmental quality in an area that would be affected by a project proposal. The Council's goal is to ensure that the proposed project would comply with MEPA 75-1-103.</p>	<p>Utilities must submit an application to the Commission to operate and build investor-owned utilities and to change utility rates. Applications are specific to project proposals and include:</p> <ul style="list-style-type: none"> • Certificates of Corridor Compatibility • Certificates of Site Compatibility • Filing An Informal Complaint • National Association of Regulatory Utility Commissioners • Participation and Process in Major Utility Cases • Siting of Energy Conversion and Transmission Facilities • Route Permits • Siting Applications as of 7-2-14 • Model Environmental Siting Ordinances <p>Application requirements include:</p> <ul style="list-style-type: none"> • A project description • Project need justification • Proposed project plan • Engineering and operational design • Environmental analysis • Public coordination efforts • Identification of required permits and approvals • List of factors considered • Qualification of contributors <p>The environmental analysis includes a description of resources, impact analyses, and mitigation efforts for demographics, land use, public services, human health and safety, noise, visual impacts, cultural resources, recreational resources, land-based economic effects, soils, geologic and groundwater resources, surface water and flood plain resources, wetlands, vegetation, wildlife, rare and unique natural resources, and a summary of project impacts.</p> <p>After receiving the application, the Commission determines a procedural framework. The Commission can decide to investigate, hold a technical hearing with consultation from outside experts, and/or hold a public meeting or input.</p> <p>The Commission must hold one or more public hearings on an application for a certificate or a permit in each county in which any part of the site, corridor, or route is proposed to be located. The Commission then determines whether to hold a technical or formal hearing. A public hearing must be held in each county affected by the project proposal. After the hearing, the Commission holds a public discussion and determines the outcome of the application. An initial order is then drafted and the Commission holds a formal meeting to come to a final decision. For any hydroelectric transmission facility that transmits hydroelectric power produced outside the United States, and which crosses any portion of North Dakota, there must be approval of the legislative assembly by concurrent resolution. See North Dakota Century Code 49-22-09.1. A person may not begin construction of a hydroelectric transmission facility in this state that transmits hydroelectric power produced outside the United States, or exercise the right of eminent domain in connection with such construction, without first having</p>

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	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>No Applicable Agency</i>	<i>Montana Public Service Commission</i>	<i>Public Service Commission, North Dakota</i>
			complied with this chapter and obtained the approval of the legislative assembly.
Public Notification		The Commission publishes a Notice of Application, Notice of Public Meetings, Notice of Opportunity to Comment, public meeting testimony, the application, and all final orders to their website. All reports, records, accounts, files, papers, and memos related to the Commission are open to the public unless otherwise noted.	The Commission issues a Notice of Filing and Notice of Opportunity for Hearing when an application is filed and a Notice of Hearing when a hearing date has been set. All notices are published on the Commission's website, the local newspapers, and mailed to people who are registered on the mailing list. All Commission votes and official action are recorded and are available to the public upon request.
Public Involvement Requirements		All public hearings are open to the public unless otherwise noted. The public must submit an application as an intervener to participate in public meetings beyond giving a public comment. The public can file a comment for any active Commission proceedings. The public can file a complaint with the Commission for any utility regulated by the Commission.	The public can file a formal or informal complaint with the Commission regarding any of the utilities that the Commission regulates. The public can write, email, attend a public hearing or meeting to make a public comment to the Commission. In larger project proposals, the Commission provides a framework for receiving public input. NDPSC1 NDPSC2
Additional Filing/Permitting Information		Utilities must provide copies of permit applications required by MEPA with project applications to the Commission. Permits include water discharge and land use permits.	All permit and licensing requirements in the NDCC Chapter 49 must be met for application review by the Commission. Licensing and permitting requirements are specific to the type of project proposal.
Timing (high-level)		The Commission must determine if an application is adequate or not within 45 days of submission.	A Notice of a public hearing must be published at least 20 days prior to the hearing.
Lifetime for Permit or Authorization (if applicable)		A final order is upheld until a revision, appeal, or new order replaces it.	Not applicable
Reporting Requirements		Public utilities must close all accounts on either June 30 or December 31 and provide the Commission with an annual report of the accounts by October 31.	The Commission must submit a biannual report to the governor and the secretary of state that includes all final orders and summaries of the year's proceedings.
	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Saskatchewan Ministry of Environment – Environmental Assessment Branch</i>	<i>Montana Environmental Quality Council</i>	<i>No Applicable Agency</i>
Applicable If	A developer proposes a transmission line project in Saskatchewan, subject to environmental review.	The siting of an electric transmission line impacts the environment and natural resources as part of the Montana Major Facility Siting Act.	
Statute or Regulation	The Environmental Assessment Act EAA1980	The Montana Environmental Policy Act. (MEPA) MEPA Montana Major Facility Siting Act, 75-20-101 et seq., (MFSA) MCA MFSA	
Regulated Activity	Section 2(d) of The Environmental Assessment Act (the Act); Where screening suggests the potential to meet the definition of 'development' within Section 2(d) of the Act is likely, more detailed, formal assessments may be required. Projects with minor or no impacts may be screened out without incurring a detailed formal assessment. Typically, projects that have met the definition of 'development' within Section 2(d) of the Act have included: Industrial projects: chemical manufacturing, primary metal and forest product industries; <ul style="list-style-type: none"> • Energy projects: electric transmission lines; • Mine projects: coal and mineral mines; • Water management projects: water diversions, dams; • Waste management projects: special waste facilities, local government solid and liquid waste management facilities; and • Transportation projects: large public highways, new northern roads. 	The Montana Environmental Policy Act (MEPA): Requiring environmental assessment or environmental impact statement to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment. MFSA: MCA, Section 75-20-102. Subsection (4): Construction of additional electric transmission facilities may be necessary to meet the increasing need for electricity, energy, and other products. Therefore, it is necessary to ensure that the location, construction, and operation of electric transmission facilities are in compliance with state law and that an electric transmission facility may not be constructed or operated within this state without a certificate of compliance acquired pursuant to this chapter. 75-20-104 Facilities covered by MFSA are listed in Section 75-20-104, subsection(8), MCA. Information concerning the need for the transmission line, the proposed location, baseline data and reasonable alternate locations must be included in the application. See 75-20-211, MCA, Circular 1 and Circular 2 for details.	
Application Procedure/Process	Proponents are encouraged to refer to guidance documents in order to conduct a self-assessment of their project to consider whether a proposal is necessary prior to contacting the EA Branch. Self-assessment assists in identifying whether a project is likely to be a development under the Act and requires EA review. Link EAPM EAG	MEPA: For the purpose of complying with Part 2 of MEPA, an application for a permit, license, or other authorization that contains all data, studies, plans, information, forms, fees, and signatures required to be included with the application sufficient for the agency to approve the application under the MFSAA	

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	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Saskatchewan Ministry of Environment – Environmental Assessment Branch</i>	<i>Montana Environmental Quality Council</i>	<i>No Applicable Agency</i>
	<p>Proponents should submit an online Application for a Ministerial Determination to the Saskatchewan Ministry of Environment, Environmental Approvals Branch (EA Branch) if the self assessment indicates that the project appears to be a development in accordance to sections 9-15 of the Environmental Assessment Act, or if there is uncertainty that the project is a development.</p> <p>The application must include:</p> <ul style="list-style-type: none"> • General information about the project and applicant and contact information, • A Technical Proposal including project details, location, socioeconomics, all inputs and outputs of resources, byproducts, alternatives, and ancillary projects, • Description of the Environment including biological environment (contact ministry’s Fish and Wildlife Branch for protocols and permits required), physical environment, and human environment, • Potential Impacts and Mitigation Measures, • Monitoring Program Proposals, • Decommissioning and Reclamation, • Stakeholder Engagements, • First Nations and Metis Community Consultations <p>The technical proposal includes cumulative impacts that should meet the criteria of Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012.</p> <p>After a preliminary review of the technical proposal, the EA Branch may circulate the application to other agencies for wider review before providing a recommendation to the Minister of Environment (minister). The minister considers the recommendation before providing a determination of whether or not the project is considered a development under The Environmental Assessment Act, including any terms or conditions that he/she considers necessary or advisable.</p> <p>After making his/her determination, the minister notifies within 10 days the applicant and any other persons considered advisable in writing of the determination and reasons for the determination.</p> <p>A proponent receiving a determination that the project is not considered a development proceeds to obtain all other regulatory permits, approvals, and licenses before implementing the project.</p> <p>A proponent receiving a determination that the project is considered a development must conduct an Environmental Impact Assessment (EIA) and submit an Environmental Impact Statement (EIS) relating to the assessment.</p> <p>Prior to undertaking the EIA, the proponent must obtain approval from the EA Branch for a Terms of Reference that will guide the conduct of the assessment and the content of the EIS. The EA Branch engages in an agency-wide review to assist in the approval of the Terms of Reference.</p> <p>The EA Branch administers an agency-wide review of the EIS and prepares Technical Review Comments that provides a summary and independent evaluation of the assessment and findings in the statement, along with any outstanding concerns of the review agencies.</p> <p>At any time prior to making his/her decision on whether or not to approve the development, the minister may appoint persons to conduct an inquire or inquiries with respect to all, or any aspects of the development, and will set the terms of reference for the inquiry. Persons appointed for the inquiry have all the powers conferred on a commission by sections 11, 15 and 25 of the Public Inquiries Act, 2013 and may engage the services of any professional or other advisors, experts, assistants or employees that they consider necessary.</p>	<p>applicable statutes and rules (75-1-220(3), MCA).</p> <p>MFSA: An applicant for a certificate under the Montana Major Facility Siting Act (MFSA) must file an application with the DEQ.</p>	
Public Notification	Once an EIA is about to be conducted, Section 10 of The Environmental Assessment Act	The MEPA Model Rules require a Record of Decision (ROD) for actions requiring an EIS (MEPA	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Saskatchewan Ministry of Environment – Environmental Assessment Branch</i>	<i>Montana Environmental Quality Council</i>	<i>No Applicable Agency</i>
	<p>requires the Minister responsible to give immediate notice to the public that the EIA is beginning.</p> <p>Section 11 of The Environmental Assessment Act requires the Minister responsible to make the EIS and the Technical Review Comments available for public inspection, indicating the locations at which the statement and Technical Review Comments may be inspected; and stating any conditions relating to the inspection that the minister considers appropriate.</p> <p>Section 12 of the Environmental Assessment Act allows any person to review the EIS and Technical Review Comments and make a written submission to the minister within 30 days from the date when the minister first gives notice of the review, or, if the minister considers it appropriate, within an additional period of 30 days.</p> <p>In accordance to Section 7 of the Environmental Assessment Act, where, in the opinion of the minister, it is the public interest or in the interest of any person, the minister may, subject to the regulations, withhold or limit production, public inspection or discovery of any information or document that relates to a development, other than information or document that relates to pollutants, public health or human safety.</p>	<p>Model Rule XVIII). The ROD is a concise public notice that announces the decision, explains the reasons for the decision, and explains any special conditions surrounding the decision or its implementation.</p> <p>MFSA: Certificate of compliance:</p> <p>MCA 75-2-207: Whenever a person plans to construct an electric transmission line or associated facilities under the provisions of 75-20-104(8)(a)(ii), it must provide public notice to persons residing in the area in which any portion of the electric transmission facility may be located and to the department through publication of a project summary that includes the proposed location in newspapers that will substantially inform those persons of the construction. The applicant must also mail a summary to the department. The notice must inform the property owners of their rights under this chapter concerning the location of the facility and that more information concerning their rights may be obtained from the department.</p> <p>MCA 75-20-211: The copy of the application must be accompanied by a notice specifying the date on or about which the application is to be filed. An application must also be accompanied by proof that public notice of the application was given to persons residing in the county in which any portion of the proposed facility is proposed or is alternatively proposed to be located, by publication of a summary of the application in those newspapers that will substantially inform those persons of the application.</p>	
Public Involvement Requirements	<p>The proponent is asked to engage the local community in early discussions about the proposed project as the technical proposal is prepared, and continue involvement as the EIA is conducted. At an early stage in the EIA, the proponent should undertake a program of public involvement to identify issues that local residents feel should be addressed in the EIS. This program should be reflected in the TOR. Public input should be used to identify potential effects of the project to evaluate the significance of those effects and jointly plan mitigation and enhancement measures.</p> <p>Results of public involvement process should be fully documented in the EIS, along with the measures, the proponent will take to address the public's concerns. All records of public engagements are available to the public upon a freedom of information request.</p>	<p>MEPA: Public scoping process for an environmental review is triggered by permitting or state approval process within 60 days of agency's receipt of complete application.</p> <p>Invite public participation in the determination of the scope of an EIS, provide a minimum 30 day public comment period for draft EIS and 15 day public comment period for final EIS, and include public comments and agency responses in final EIS.</p> <p>MFSA: 75-20-102 Section (6) The legislature also finds that it is the purpose of this chapter to:</p> <p>(a) ensure protection of the state's environmental resources, including but not limited to air, water, animals, plants, and soils;</p> <p>(b) ensure consideration of socioeconomic impacts;</p> <p>(c) provide citizens with the opportunity to participate in facility siting decisions; and</p> <p>(d) establish a coordinated and efficient method for the processing of all authorizations required for regulated facilities under this chapter.</p> <p>Certificate of compliance:</p> <p>MCA 75-20-223: A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board. If the department provided an opportunity for public comment on the application, the request for a hearing must be limited to those issues the party has raised in comments made to the department during the comment period.</p>	
Additional Filing/Permitting Information	<p>The proponent is expected to list in the EIS, the required provincial and federal approvals, permits and licenses that will regulate all phases of the project if it is found to be environmentally acceptable by the minister. Regulatory advice is often provided by agencies during the technical review of the EIS, but proponents may wish to contact individual agencies for further clarity.</p>	<p>MEPA: If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the agency and the applicant at the time the application is filed.</p> <p>MFSA: The DEQ shall approve a transmission line facility as proposed or as modified or an alternative to the proposed facility if it finds and determines the need for the facility; the nature of probable environmental impacts; that the facility minimizes adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives; what part, if any, would be located underground; that the location of the proposed facility conforms to applicable state and local laws; that the facility will serve the public interest, convenience and necessity; that the DEQ has issued all necessary decisions, opinions, orders, certifications and permits; and that the use of public</p>	

	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Saskatchewan Ministry of Environment – Environmental Assessment Branch</i>	<i>Montana Environmental Quality Council</i>	<i>No Applicable Agency</i>
		lands for location of the facility is evaluated and public lands are selected whenever their use is as economically practicable as the use of private lands. See 75-20-301(1), for details.	
Timing (high-level)	<p>Minister approval</p> <p>15(1) Where the minister is satisfied that a proponent has met all the requirements of this Act, he shall, within a reasonable time after making his decision:</p> <ul style="list-style-type: none"> • give ministerial approval to proceed with the development or may impose terms and conditions that he considers necessary or advisable; or • refuse to approve the development. 	<p>The Montana Environmental Policy Act does not have any statutory timeframes for preparing MEPA documents or conducting an environmental review process.</p> <p>MESA: Within nine months following acceptance of an application, the DEQ must issue a report that includes the department’s studies; evaluations; recommendations; customer fiscal impact analysis, if required under 69-2- 216, MCA; and other relevant documents. An Environmental Impact Statement or analysis may be included if there is compelling evidence that the facility construction and operation will have adverse environmental impacts (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123). For a facility that is unlikely to result in adverse environmental impacts, the DEQs decision must be returned in 90 days. Before issuing a decision, the DEQ will provide an opportunity for public review and comment.</p> <p>Certificate of compliance:</p> <p>MCA 75-20—207: Public notice for plans to construct an electric transmission line must be made no less than 60 days prior to the commencement of acquisition of right-of-way by publication of a summary.</p> <p>MCA 75-20-208: Prior to constructing a transmission line the person planning to construct the line shall provide to the department within 36 months of the date of the public notice copies of the right-of-way agreements and verification that does not include an electric transmission line with a design capacity of more than 69 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline.</p> <p>MCA 75-20-216: After receipt of an application, the department shall within 30 days notify the applicant in writing if the application is complete, pursuant to MCA 75-20-216 or request additional information.</p> <p>MCA 75-20-216: The department shall issue a decision, opinion, order, certification, or permit within 9 months following the date of acceptance of an application.</p> <p>MCA 75-20-301: Within 30 days after issuance of the report pursuant to 75-20-216, the department shall approve a facility as proposed or as modified or an alternative to a proposed facility.</p> <p>MCA 75-20-223: If a hearing is requested, the applicant may file a written election with the board within 15 days of receipt of the request for hearing, elect to have the matter proceed to hearing before the board or to have the matter submitted directly to the district court for judicial review of the agency decision.</p>	
Reporting Requirements	<p>A commitments register should be provided in the EIS. The commitments register outlines each commitment made to prevent or mitigate the environmental impacts of the preferred alternative and to meet any regulatory requirements. The commitments register should also include specific commitments for monitoring. Should the Minister approve the development, the proponent will update the commitments register to include all of the ministerial approval’s terms and conditions. The proponent is to provide an annual report on the meeting of commitments identified in the commitments register for the amount of years specified by the minister.</p> <p>Proponents receiving a ministerial determination that a project is not a development subject to the terms and conditions, must also provide reports to the minister on how the terms and conditions are being addressed.</p>	<p>MEPA: Section 75-1-314 75-1-314. Reporting requirements. Subsection (1): The departments of environmental quality, agriculture, and natural resources and conservation shall biennially report to the council the following natural resource and environmental compliance and enforcement information:</p> <p>(a) the activities and efforts taking place to promote compliance assistance and education;</p> <p>(b) the size and description of the regulated community and the estimated proportion of that community that is in compliance;</p> <p>(c) the number, description, method of discovery, and significance of noncompliances, including those noncompliances that are pending; and</p> <p>(d) a description of how the department has addressed the noncompliances identified in subsection (1)(c) and a list of the noncompliances left unresolved.</p> <p>Subsection (2): When practical, reporting required in subsection (1) should include quantitative trend information.</p> <p>MESA: Certificate of compliance: MCA 75-20-216: within 9 months following acceptance of an application for a facility, the department shall issue a report that must contain the</p>	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Saskatchewan Ministry of Environment – Environmental Assessment Branch</i>	<i>Montana Environmental Quality Council</i>	<i>No Applicable Agency</i>
		department's studies, evaluations, recommendations, customer fiscal impact analysis, if required pursuant to 69-2-216, and other pertinent documents resulting from its study and evaluation. An environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act may be included in the department findings if compelling evidence indicates that adverse environmental impacts are likely to result due to the construction and operation of a proposed facility.	
	Saskatchewan	Montana	North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i> <i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
Applicable If	A transmission line project would have an impact on the province's water, wildlife, and wetlands.	A transmission line project would need permits for private entities to work in or near a stream on public or private land. This agency also regulates projects that include construction or modification that may affect the shape or form of stream banks or tributaries, projects including transmission lines that may affect floodplains, projects that occur below the low water mark of navigable waters, and projects that may discharge into navigable waters.	A transmission line project would have an impact on the state's fish and wildlife resources.
Statute or Regulation	The Wildlife Act 1998 The Environmental Management and Protection Act, 2002 Division 3 Permits respecting Discharges into Water and Alterations to Water Bodies	Montana Natural Streambed and Land Preservation Act (310 Permit) Montana Stream Protection Act (SPA 124 Permit) Montana Land-use License Easement on Navigable Waters Application for Proposed Work in Streams, Lakes and Wetlands	Title 87 Fish and Wildlife Chapter 5 Wildlife Protection.
Regulated Activity	Wildlife Act: An Act respecting the Protection of Wildlife and Wild Species at Risk and making consequential amendments to other Acts Environmental Management and Protection Act: Permit required to alter shoreline, etc. Division 3, section 36(1): Without a valid permit authorizing the activity, no person shall, directly or indirectly: (a) alter or cause to be altered the configuration of the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; (b) remove, displace or add any sand, gravel or other material from, in or to the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; or (c) remove vegetation from the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body.	310 Permit: Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land. Any activity that physically alters or modifies the bed or banks of a perennially flowing stream. SPA 124 Permit: Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries. City or County Floodplain Development Permit: New development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines,	87-5-103. Legislative intent, findings, and policy. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted The Nongame and Endangered Species Conservation Act. It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources. (2) The legislature finds and declares all of the following: (a) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems;

	Saskatchewan	Montana		North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
		irrigation facilities, storage of equipment or materials, and excavation; new construction/development, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings. Montana Land-use License Easement on Navigable Waters: Any entity proposing a project on lands below the low water mark of navigable waters Montana Water Quality Act: In compliance with Section 75-5-101 et seq., Montana Codes Annotated (MCA), Administrative Rules of Montana (ARM) 17.30.1301 et seq., and ARM 17.30.1101 et seq., owners and operators (permittees) with authorization under this "General Permit for Storm Water Discharges Associated with Construction Activity" (permit) are authorized to discharge storm water in accordance with the conditions set forth in Parts 1,2,3,4, and 5 of this permit.	(b) that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers; (c) that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies. 87-5-109. Taking of species for educational, scientific, or other purposes. (1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes. (2) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to 87-5-105.	
Application Procedure/Process	Wildlife Act Part 3, subsection 12 Application for license: Every person who wishes to obtain a license required pursuant to this Act or the regulations shall: (a) apply in the form prescribed in the regulations; (b) pay the fee prescribed in the regulations; and I provide the minister with any information that the minister requests and considers relevant	A person planning a project must contact the conservation district office to obtain a permit application prior to any activity in or near a perennial-flowing stream. Once an application is accepted, a team that consists of a conservation district representative; a Montana Fish, Wildlife & Parks biologist; and the	Biological Assessment application and instructions.	

	Saskatchewan	Montana		North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
	<p>to the application.</p> <p>PART V Protection of Wild Species at Risk</p> <p>Subsection 51(1): Subject to subsections (2) and (3), no person shall do any of the following:</p> <p>(a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with or attempt to do any of those things to any wild species at risk;</p> <p>(b) export or cause to be exported from Saskatchewan any wild species at risk;</p> <p>(c) traffic in any wild species at risk.</p> <p>Subsection 51(2): Subsection (1) does not apply to a person who:</p> <p>(a) holds a licence issued pursuant to this Act or the regulations that authorizes activities that would otherwise be prohibited; or</p> <p>(b) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited.</p> <p>Environmental Management and Protection Act: Applications for permits.</p> <p>Subsection 57(1): An applicant shall:</p> <p>(a) apply for a permit required pursuant to this Act or the regulations in the prescribed manner; and</p> <p>(b) file the application with the department.</p> <p>Subsection 57 (2): An applicant shall include in an application:</p> <p>(a) the prescribed information and material; and</p> <p>(b) any additional information and material requested by the minister, including any data, information or studies relating to the environment.</p>	<p>applicant may conduct an onsite inspection. The team makes recommendations to the conservation district board, which has 60 days from the time the application is accepted to approve, modify, or deny the permit.</p> <p>Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2) (310PAI)</p> <p>Any agency or unit of government planning a project must submit a Notice of Construction (application) to Montana Fish, Wildlife & Parks, which has up to 30 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. An application must be submitted for review not less than 60 days before the intended start of construction.</p> <p>Applicant must fill out Joint application - Joint Application for Proposed Work in Streams, Lakes and Wetlands in Montana Application (MTJA). Instructions (MTJA-2)</p> <p>Montana Land-use License Easement on Navigable Waters</p> <p>A DNRC Land Use License or Easement Application, along with the nonrefundable application fee, must be submitted to the appropriate Land Office nearest to the project area. DNRC staff will review the application, conduct a field investigation if necessary, and file an environmental action checklist as appropriate. A written report and recommendation is then submitted to the Real Estate Management Bureau in Helena, which makes the final determination and recommends stipulations as necessary.</p> <p>MPDES Individual Permit Application and Instructions</p> <p>General Permit for Storm Water Discharges Associated With Construction Activity</p>		
Public Notification	Saskatchewan Environmental Code, Division A – General Environmental Management and	NPDES: A Notice of Intent (NOI) process is used for an owner or operator to obtain	Not applicable.	

	Saskatchewan	Montana		North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
	<p>Protection</p> <p>A.1.1 Adoption of Standards Chapter</p> <p>Minister to make public</p> <p>Section 1-2(1) The minister shall cause the standards that are adopted pursuant to this chapter and that are established by the minister:</p> <p>(a) to be posted on the Internet website of the ministry; and</p> <p>(b) to be made public in any other manner that the minister considers appropriate.</p> <p>(2) With respect to the standards that are adopted pursuant to this chapter other than those mentioned in subsection (1), the minister shall cause information respecting where those standards may be accessed:</p> <p>(a) to be posted on the Internet website of the ministry; and</p> <p>(b) to be made public in any other manner that the minister considers appropriate.</p>	<p>authorization to discharge under this permit. Through the submittal of an NOI, the owner or operator acknowledges eligibility for coverage under this permit and agrees to comply with the conditions of this permit.</p> <p>310 Permit:</p> <p>MCA 75-7-111: A person planning to engage in a project shall present written notice of the proposed project to the supervisors before any portion of the project takes place.</p> <p>(2) The notice must include the location, general description, and preliminary plan of the project. At the time of filing a notice of the proposed project under subsection (1), the applicant may sign an arbitration agreement as provided in 75-7-117 (please see below).</p> <p>75-7-117: The department of natural resources and conservation, after consultation with the association of conservation districts, shall prepare an arbitration agreement for use by the conservation districts when an applicant chooses to use arbitration. The arbitration agreement must contain provisions for an arbitration hearing process, including time and place for hearing, notification, presentation of witnesses and evidence, cross-examination, subpoenas, depositions, and the issuance of the award or change of award.</p> <p>SPA 124 Permit:</p> <p>Apply for via the Joint Permit Application</p> <p>Joint permit application:</p> <p>Once a complete permit application has been received, the floodplain administrator should prepare public notice and publish at least once in a local newspaper and serve adjacent property owners notice via first class mail.</p>		
Public Involvement Requirements	<p>Wildlife: Not applicable.</p> <p>Environmental Management and Protection Act:</p> <p>Part II (2) For the purposes of carrying out the minister’s responsibilities, the minister may:</p> <p>(e) provide information to the public on:</p> <p>(i) the quality and use of the environment; and</p> <p>(ii) the quantity of any substances or things in the environment;</p> <p>(f) inquire into or hold, or appoint a person to conduct, public hearings or inquiries respecting:</p> <p>(i) the management, use or protection of the environment; and</p> <p>(ii) any economic, social or other effects relevant to the environment;</p> <p>(5) Subject to The Freedom of Information and Protection of Privacy Act, the minister may, on request, make available to the public and to any government agency or other agency</p>	<p>MCA 75-7-125: (2) (a) A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under subsection (1) may petition the supervisors for a declaratory ruling.(b) If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(c) If the issue raised in the petition for a declaratory ruling is not of</p>	Not applicable.	

	Saskatchewan	Montana		North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
	information relating to water quality in Saskatchewan.	significant interest to the public, the supervisors shall provide a reasonable opportunity for the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.(d) Data and information may be submitted at a hearing before the supervisors. Data and information submitted to the supervisors outside of the hearing process must be made available for public review prior to the hearing being conducted before the supervisors. 310 Permit: 75-7-125: A person who may be directly affected by the applicability, interpretation, or implementation of this part and who disagrees with a determination made under 75-7-125 subsection (1) may petition the supervisors for a declaratory ruling. If the issue raised in the petition for a declaratory ruling is of significant interest to the public, the supervisors shall provide a reasonable opportunity for interested persons and the petitioner to submit data, information, or arguments, orally or in written form, prior to making a ruling.		
Additional Filing/Permitting Information	Not applicable.	Optional attachment to team member report Submit Notice of Construction (application to Montana Fish, Wildlife and Parks) A 318 authorization (formerly 3A) must be obtained from the DEQ prior to initiating a short-term activity that may cause unavoidable short-term violations of state water quality standards (see WATER QUALITY PERMITTING, p. 192). The FWP may also issue 318 authorizations during the 310 or 124 permitting process.	SPA124-1 Not applicable.	
Timing (high-level)	Not applicable.	310 Permit 60 days Section 75-7-112: The district's authorized representative shall, within 10 working days, notify the department of the project. The department shall, within 5 working days of receipt of the notification, inform the supervisors whether the department requests an onsite inspection by a team. If an inspection is required, the supervisors shall call a team together within 20 days and each member of the team shall recommend in writing, within 30 days of the date of inspection, denial, approval, or modification	Not applicable (the joint permit with county and/or city does have timing requirements).	

	Saskatchewan	Montana		North Dakota
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Saskatchewan Ministry of Environment</i>	<i>Montana Department of Environmental Quality</i>	<i>Montana Fish, Wildlife and Parks</i>	<i>North Dakota Game and Fish Department</i>
		<p>of the project to the supervisors. SPA 124 30 days</p> <p>A Land Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$50 application fee and a minimum annual rental fee. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days.</p> <p>MPDES General Permits</p> <p>1) Within 30 days of receiving a completed application, the DEQ will issue an authorization to operate under a general MPDES permit, or notify the applicant that the source does not qualify, citing one or more of the reasons listed in ARM 17.30.1341(4)(a-e). The public must be given notice and a 30 day comment period allowed if the source cannot qualify to operate under a general MPDES permit.</p> <p>2) If an authorization to operate under a general MPDES permit is denied, the DEQ will process the application as an individual MPDES permit, unless the application is withdrawn.</p>		
Lifetime for Permit or Authorization (if applicable)	Not applicable.	<p>Montana Land-use License Easement on Navigable Waters</p> <p>10 years – may request renewal for additional ten years</p> <p>All MPDES permits are issued for a fixed term, not to exceed five years.</p>	Not applicable.	
Reporting Requirements	<p>Not applicable to the Wildlife Act.</p> <p>Environmental Management and Protection Act:</p> <p>Section (5) Every order with respect to the monitoring or sampling of water or reporting respecting water that was issued pursuant to section 24 of The Environmental Management and Protection Act, as that Act existed on the day before the coming into force of this Part:</p> <p>(a) is continued as a permit pursuant to clause 23(1)(b) of this Act subject to the terms and conditions imposed on it; and</p> <p>(b) may be dealt with pursuant to this Act as if it were a permit issued pursuant to this Act</p>	Not applicable to all.	Not applicable.	

Table 22. Regulations – Manitoba, North Dakota, Minnesota

	Manitoba	North Dakota	Minnesota
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Manitoba Public Utilities Board</i>	<i>Public Service Commission, North Dakota</i>	<i>Minnesota Public Utilities Commission</i>
Applicable If		A person proposes to operate, construct, or site a project or transmission facility.	An entity in Minnesota proposes to construct or operate a high voltage electric transmission project that is not exempt.
Statute or Regulation		North Dakota Century Code Title 49 Public Utilities. ND49PU North Dakota Administrative Code 69.06. ND69.06	Minnesota Statute Chapter 216 A-G. 216A-G Minnesota Rules Power Plant or Line Chapter 7850. C7850 Minnesota Administrative Rules Chapter 7849. C7849
Regulated Activity		The North Dakota Public Service Commission regulates electric utilities and transmission facility siting	The Minnesota Public Utilities Commission regulates electric public utilities and transmission facilities.
Application Procedure/Process		<p>Utilities must submit an application to the Commission to operate and build investor-owned utilities and to change utility rates. Applications are specific to project proposals and include:</p> <ul style="list-style-type: none"> • Certificates of Corridor Compatibility • Certificates of Site Compatibility • Filing An Informal Complaint • National Association of Regulatory Utility Commissioners • Participation and Process in Major Utility Cases • Siting of Energy Conversion and Transmission Facilities • Route Permits • Siting Applications as of 7-2-14 • Model Environmental Siting Ordinances <p>Application requirements include:</p> <ul style="list-style-type: none"> • A project description • Project need justification • Proposed project plan • Engineering and operational design • Environmental analysis • Public coordination efforts • Identification of required permits and approvals • List of factors considered • Qualification of contributors <p>The environmental analysis includes a description of resources, impact analyses, and mitigation efforts for demographics, land use, public services, human health and safety, noise, visual impacts, cultural resources, recreational resources, land-based economic effects, soils, geologic and groundwater resources, surface water and flood plain resources, wetlands, vegetation, wildlife, rare and unique natural resources, and a summary of project impacts.</p> <p>After receiving the application, the Commission determines a procedural framework. The Commission can decide to investigate, hold a technical hearing with consultation from outside experts, and/or hold a public meeting or input.</p> <p>The Commission must hold one or more public hearings on an application for a certificate or a permit in each county in which any part of the site, corridor, or route is proposed to be located. The Commission then determines whether to hold a technical or formal hearing. A public hearing must be held in each county affected by the project proposal. After the hearing, the Commission holds a public discussion and determines the outcome of the application. An initial order is then drafted and the Commission holds a formal meeting to come to a final decision.</p> <p>For any hydroelectric transmission facility that transmits hydroelectric power produced outside the United States, and which crosses any portion of North Dakota, there must be approval of the legislative assembly by concurrent resolution. See North Dakota Century Code 49-22-09.1. A person may not begin construction of a hydroelectric transmission facility in this state that transmits</p>	<p>Certificate of Need:</p> <p>Applicants must submit an application for a Certificate of Need that meets the criteria specified in Minnesota Statute Chapter 216B-243. Certificate of Need applications are required to contain:</p> <ul style="list-style-type: none"> • Project description • Project justification • Project construction plan and requirements • Project benefits • Project alternatives • List of applicable state, federal and local regulations, rules, and policies • List of project energy conservation improvements <p>Route Permit:</p> <p>A route permit may be submitted with the Certificate of Need application, though can be filed separately. The route permit application must contain at least 2 proposed routes and the information required pursuant to MAR 7850. The route permit applications must include a project notice to the Commission 90 days before filing the application, an application notice 15 days after application submission, and an environmental review. The Environmental review is an Environmental Impact Statement or Environmental Assessment prepared by the Minnesota Department of Commerce, as specified by Minnesota Statute Chapter 216E.03. The Minnesota Department of Natural Resources and other state agencies review the draft Environmental Impact Statement before the application is approved by the Commission.</p> <p>After conclusion of the application review process, the Commission holds a public Commission Meeting to discuss the application. A final order is published that states the Commission’s decision and decision justifications.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Manitoba	North Dakota	Minnesota
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Manitoba Public Utilities Board</i>	<i>Public Service Commission, North Dakota</i>	<i>Minnesota Public Utilities Commission</i>
		hydroelectric power produced outside the United States, or exercise the right of eminent domain in connection with such construction, without first having complied with this chapter and obtained the approval of the legislative assembly.	
Public Notification		The Commission issues a Notice of Filing and Notice of Opportunity for Hearing when an application is filed and a Notice of Hearing when a hearing date has been set. All notices are published on the Commission's website, the local newspapers, and mailed to people who are registered on the mailing list. All Commission votes and official action are recorded and are available to the public upon request.	<p>Certificate of Need: Certificate of Need requires a Notice Plan pursuant to MN rules Chapter 7829. This is necessary prior to filing the formal application.</p> <p>The Commission is required to maintain a current public rulemaking docket with a complete list of rulemaking proceedings, as specified in Minnesota Statutes Chapter 14.366. The Commission publishes a Notice of Comment Period on their website and the public can be added to a mailing list to receive all future Notices of Comment Periods.</p> <p>Route Permit: At least 90 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a preapplication consultation meeting with local units of government.</p> <p>Within 30 days of receiving a project notice, local units of government may request the applicant to hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local units of government. A single public meeting for which each local government unit requesting a meeting is given notice satisfies the meeting requirement of this subdivision.</p>
Public Involvement Requirements		The public can file a formal or informal complaint with the Commission regarding any of the utilities that the Commission regulates. The public can write, email, attend a public hearing or meeting to make a public comment to the Commission. In larger project proposals, the Commission provides a framework for receiving public input.	<p>Certificate of Need: The Commission must hold at least one public hearing after the submission of a Certificate of Need application. All other agency or political parties with authority to issue permits shall provide their position regarding the application at the public hearing.</p> <p>The public can comment on an issue, file a complaint, and attend any public hearing. The public can attend and make a comment about the proposed project at all public hearings and Commission meetings.</p> <p>Route Permit: The PUC shall hold a contested case hearing after the draft environmental impact statement is prepared on all applications for a site permit or a route permit. The hearing must be conducted by an administrative law judge from the Office of Administrative Hearings pursuant to the contested case procedures of Minnesota Statutes, chapter 14. Notice of the hearing must be given in accordance with Minnesota Statutes, section 216E.03, subdivision 6. At least a portion of the hearing must be held in a county where the proposed large electric power generating plant or high voltage transmission line would be located.</p>
Additional Filing/Permitting Information		All permit and licensing requirements in the NDCC Chapter 49 must be met for application review by the Commission. Licensing and permitting requirements are specific to the type of project proposal.	Not applicable.
Timing (high-level)		A Notice of a public hearing must be published at least 20 days prior to the hearing.	<p>Certificate of Need: Within 12 months of the submission of an application, the commission shall approve or deny a certificate of need for the facility. Approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the commission. If the commission has not issued an order on the application within the 12 months provided, the commission may extend the time period upon receiving the consent of the parties or on its own motion, for good cause, by issuing an order explaining the good cause justification for extension.</p> <p>Route Permit: The commission shall make a final decision on an application within 60 days after receipt of</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Manitoba	North Dakota	Minnesota
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Manitoba Public Utilities Board</i>	<i>Public Service Commission, North Dakota</i>	<i>Minnesota Public Utilities Commission</i>
			the report of the administrative law judge. A final decision on the request for a site permit or route permit shall be made within one year after the commission's determination that an application is complete. The commission may extend this time limit for up to three months for just cause or upon agreement of the applicant.
Lifetime for Permit or Authorization (if applicable)		Not applicable	All Commission orders are in force and effective 20 days after it has been filed, unless specified otherwise.
Reporting Requirements		The Commission must submit a biannual report to the governor and the secretary of state that includes all final orders and summaries of the year's proceedings.	Not applicable.
	Manitoba	North Dakota	Minnesota
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Manitoba Conservation and Water Stewardship – Environmental Approvals Branch</i>	<i>No Applicable Agency</i>	<i>Minnesota Environmental Quality Board</i>
Applicable If	A project involves transmission lines and transformer stations of 115 kV and greater, replacement of transmission lines of 230 kV and greater in existing rights of way.		A power line project has a potential for significant environmental impacts, requiring the preparation of an environmental review under Chapter 7850 of Minnesota's Administrative Rules which addresses power lines.
Statute or Regulation	The Environment Act TEA1987		Chapter 7850, Site or Route Permit; Power Plant or Line. C7850 Chapter 7850, Site or Route Permit; Power Plant or Line Section 3700 7850.37 Environmental Assessment Preparation. C216E Chapter 216E, Route Permits for Transmission Projects.
Regulated Activity	<p>Intent and Purposes</p> <p>Section 1(1) The intent of this Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, this Act</p> <p>(a) is complementary to, and support for, existing and future provincial planning and policy mechanisms;</p> <p>(b) provides for the environmental assessment of projects which are likely to have significant effects on the environment;</p> <p>(c) provides for the recognition and utilization of existing effective review processes that adequately address environmental issues;</p> <p>(d) provides for public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers; and</p> <p>(e) prohibits the unauthorized release of pollutants having a significant adverse effect on the environment.</p>		The commissioner of the Department of Commerce shall prepare an environmental assessment on each proposed large electric power generating plant and each proposed high voltage transmission line being reviewed under the alternative permitting process in parts 7850.2800 to 7850.3900. The environmental assessment must contain information on the human and environmental impacts of the proposed project and of alternative sites or routes identified by the commissioner and shall address mitigating measures for all sites or routes considered.
Application Procedure/Process	<p>To begin the process, a project proponent submits an Environment Act Proposal (EAP) to the Environmental Approvals Branch (EAB).</p> <p>A complete Environment Act Proposal (EAP) consists of the following components:</p> <ul style="list-style-type: none"> • Cover letter • Environment Act Proposal Form • Reports/plans supporting the EAP (see "Information Bulletin - Environment Act Proposal Report Guidelines" for required information and number of copies) • Application fee EAPF INEA EAPRG		<p>Content of environmental assessment. The environmental assessment must include:</p> <p>A) a general description of the proposed facility;</p> <p>B) a list of any alternative sites or routes that are addressed;</p> <p>C) a discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment;</p> <p>D) a discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative site or route analyzed;</p> <p>E) an analysis of the feasibility of each alternative site or route considered;</p> <p>F) a list of permits required for the project; and</p> <p>G) a discussion of other matters identified in the scoping process.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Manitoba Conservation and Water Stewardship – Environmental Approvals Branch	No Applicable Agency	Minnesota Environmental Quality Board	
Public Notification	Public review: EAPs are distributed in electronic format to the on-line public registry. Notice 27(4) The minister must notify the appellant about his or her decision in the prescribed manner within the following time periods: (a) in the case of a proposed disposition that requires approval by the Lieutenant Governor in Council under subsection (3), within 30 days after the approval is given; (b) In the case of any other decision in respect of a matter referred to in subsection (1), within seven days after the date of the minister’s decision.		Notification of availability of environmental assessment. Upon completion of the environmental assessment, the commissioner shall publish notice in the Environmental Quality Board Monitor of the availability of the environmental assessment and mail notice of the availability of the document to those persons on the project contact list. The commissioner shall provide a copy of the environmental assessment to any public agency with authority to permit or approve the proposed project. The commissioner shall post the environmental assessment on the agency’s Web page, if possible.	
Public Involvement Requirements	A comment period will be provided for participants to respond to notices of EAPs, EIS Guidelines, and EISs. The length of comment period varies between projects depending on the time of year, complexity, logistics, and level of interest or concern. <ul style="list-style-type: none">Public meetings to discuss information and concerns may be held.Public hearings of the Clean Environment Commission may be recommended should significant public concern and interest warrant. Normally, public hearings will not be recommended until such time that the EAB is satisfied that all information pertinent for the hearing has been received, is satisfactory to the EAB and has been placed in the public registry.		Scoping process. The commissioner of the Department of Commerce shall provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments. The public meeting required under part 7850.3500 satisfies the requirement to hold a scoping meeting. The commissioner shall mail notice of the meeting to those persons on either the general list or the project contact list at least ten days before the meeting. The commissioner shall provide at least seven days from the day of the public meeting for the public to submit comments regarding the scope of the environmental assessment. Scoping decision. The commissioner of the Department of Commerce shall determine the scope of the environmental assessment within ten days after close of the public comment period and shall mail notice of the scoping decision to those persons on the project contact list within five days after the decision. Once the commissioner has determined the scope of the environmental assessment, the scope shall not be changed except upon a decision by the commissioner that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The commissioner shall also determine as part of the scoping process a reasonable schedule for completion of the environmental assessment.	
Additional Filing/Permitting Information	Not applicable.		An environmental assessment must be the only state environmental review document required to be prepared by the commissioner of the Department of Commerce on a project qualifying for review under the alternative review process.	
Timing (high-level)	Under the Environment Act, timing is specified by/dependent on specific regulations.		Time frame for completion of environmental assessment. The commissioner of the Department of Commerce shall complete the environmental assessment in accordance with the schedule established during the scoping process. In establishing the schedule for completion of the environmental assessment, the commissioner shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, the status of other proceedings affecting the project, and the interests of the public, the applicant, and the commissioner.	
Reporting Requirements	Not applicable.		Not applicable.	
	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	Manitoba Conservation and Water Stewardship	North Dakota Game and Fish Department	Minnesota Pollution Control Agency	Minnesota Department of Natural Resources
Applicable If	A transmission line project would have an impact on the province’s wildlife and wetlands.		A transmission line project would have an impact on the waters of Minnesota.	A transmission line project would have an impact on the state’s water, wildlife, and wetlands. Additionally the agency requires a license for the installation of an electricity project.
Statute or Regulation	The Endangered Species and Ecosystem Act ESEA1990 Wetlands. Link	See US Fish and Wildlife Service Endangered Species Act.	Chapter 7001, Permits and Certifications. 7001PC	Endangered Species Permits ESR Minnesota’s endangered species 6212.18

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
				<p>law (MS 84.0895) and associated rules (Chapter 6212.1800, 6212.2300 and 6134) impose a variety of restrictions, a permit program, and several exemptions pertaining to species designated as endangered or threatened. 84.415 6135UC c103G 103G.245 Link</p> <p>Current list of endangered, threatened, and special concern species</p> <p>Part 6212.1800 General Restrictions for Permits to Possess Threatened and Endangered Species.</p> <p>Chapter 84.415 Utility Licenses, Permits.</p> <p>Chapter 6135, Utility Crossings.</p> <p>Chapter 103G. Waters of the State Section 103G.245 Work in Public Waters.</p>
Regulated Activity	<p>The Wildlife Branch is responsible for the administration of The Endangered Species and Ecosystems Act. The federal government proclaimed the Species at Risk Act (SARA) in June 2003, resulting in the listing of a number of Manitoba species at the federal level. The Wildlife Branch plays the lead role in coordinating Manitoba's input into the implementation of SARA. Link</p>		<p>7001.0030 PERMIT REQUIRED.</p> <p>Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.</p> <p>MPCA water quality permits establish specific limits and requirements to protect Minnesota's surface and groundwater quality for a variety of uses, including drinking water, fishing and recreation. Permits are regularly reviewed and updated as they expire, allowing the MPCA to incorporate new information about the impacts of pollutants to the environment in subsequent permits. Permits are enforced through a combination of self-reporting (reports to the MPCA, U.S. EPA or both) and compliance monitoring.</p> <p>While the MPCA is not the primary agency processing wetland permits, the agency does review them after</p>	<p>Endangered Species Permits:</p> <p>The law and rules prohibit taking, purchasing, importing, possessing, transporting, or selling endangered or threatened plant or animal, including their parts or seeds, without a permit. Permits may be issued for taking only under certain conditions: for scientific study, for educational programs, to enhance propagation or survival of the species, to prevent injury to people or property, or when the social and economic benefit of the taking outweigh the harm caused by it.</p> <p>Part 84.415 UTILITY LICENSES, PERMITS.</p> <p>Link1 Utility licenses are generally required for the installation of electrical projects.</p> <p>Link2 "A utility license for crossing public lands or public waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road."</p> <ul style="list-style-type: none"> The new law applies to both land and water crossing licenses. <p>The application has been revised to reflect the law changes.</p> <p>Section 6135.1000 PROTECTING THE ENVIRONMENT</p> <p>It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize</p>

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
			<p>other appropriate environmental agencies. If you plan to conduct activities that may impact wetlands, visit the Minnesota Board of Water and Soil Resources (Link1) Web site.</p> <p>If you are applying for permits involving the management of stormwater or run-off, either from a construction project or Municipal (MS4) Stormwater, or interested in the Industrial Stormwater Multi-Sector General Permit, visit the stormwater page (Link2) on the MPCA Web site.</p>	<p>any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.</p> <p>CHAPTER 103G. WATERS OF THE STATE Subdivision 1. Permit requirement. Except as provided in subdivisions 2, 11, and 12, the state, apolitical subdivision of the state, a public or private corporation, or a person must have a public waterworks permit to:</p> <p>(1) construct, reconstruct, remove, abandon, transfer ownership of, or make any change in a reservoir, dam, or waterway obstruction on public waters; or</p> <p>(2) change or diminish the course, current, or cross section of public waters, entirely or partially within the state, by any means, including filling, excavating, or placing of materials in or on the beds of public waters.</p>
Application Procedure/Process	Not applicable.		<p>Section 7001.0050 WRITTEN APPLICATION.</p> <p>A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied.</p> <p>To apply for a water quality permit, look through the following list of instructions and forms to select those appropriate for your project.</p> <p>Water Quality Permit Application Environmental Review Prescreening Form</p>	<p>Endangered Species Permit application</p> <p>For species to be taken from the wild in Minnesota, the applicant must document the following.</p> <ul style="list-style-type: none"> the justification for the taking, location, species, number of individuals to be taken or possessed that there are no feasible alternatives to the taking provide assurance that the taking will not negatively affect the species' status in Minnesota <p>Permit requests must be submitted in writing to: Minnesota Department of Natural Resources Attn. Endangered Species Permits 500 Lafayette Rd., Box 25 St. Paul, MN 55155 84.415 UTILITY LICENSES, PERMITS.</p> <p>Subdivision. 3. Application, form: The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or</p>

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
				<p>waters affected, a metes and bounds description of the required right-of-way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as the commissioner deems necessary to protect the public health and safety.</p> <p>CHAPTER 6135, UTILITY CROSSINGS</p> <p>Subdivision. 3. Application, form:</p> <p>Subp. 2. Application content. For each environmental standard listed in these parts, the applicant shall indicate whether the applicant is satisfying the standard, where applicable, or if not, why not. In dealing with route design standards, the application must, where applicable, also supply data on relevant site conditions. Except when the commissioner determines that it is not feasible and prudent, or not in the best interests of the environment, the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Subd. 3. Permit application. Application for a public waters work permit must be in writing to the commissioner on forms prescribed by the commissioner. The commissioner may issue a state general permit to a governmental subdivision or to the general public under which more than one project may be conducted under a single permit.</p>
Public Notification	Not applicable.		Section 7001.1440 PUBLIC NOTICE OF APPLICATION AND PRELIMINARY	CHAPTER 6135, UTILITY CROSSINGS and

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
			<p>DETERMINATION.</p> <p>Subpart 1. Public notice required. Except as provided in subpart 2, the commissioner shall prepare and issue public notices in accordance with the requirements of part 7001.0100, subpart 4, except that the public comment period shall be established by the commissioner on a case-by-case basis after considering the scope, nature, and potential impacts on water quality of the project. In no event shall the public comment period be less than ten days.</p>	<p>Endangered Species Permit: Not applicable.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.</p>
Public Involvement Requirements	Not applicable.		<p>Chapter 7001.0110 PUBLIC COMMENTS.</p> <p>Subpart 1. Submission of written comments. During the public comment period established in the public notice of an agency permit, an interested person, including the applicant, may submit written comments on the application or on the draft permit. If the subject of the draft permit and public notice is the modification of a permit, these comments must be limited to the portion of the permit proposed to be modified. During the public comment period, the person may also submit a petition for a public informational meeting or a contested case hearing on the application. Petitions for an informational meeting must meet the requirements of part 7000.0650, subpart 4. Petitions for a contested case hearing must meet the requirements of part 7000.1800.</p> <p>Subp. 3. Public informational meeting. If a person requests a public informational meeting, the comments must include the items listed in subpart 2 and a statement of the reasons the person desires the agency to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.</p> <p>Subp. 4. Extension of comment period. The public comment period may be extended by the commissioner if the commissioner finds an extension of time is necessary to facilitate additional public comment. Comments submitted in writing by interested persons or the applicant during the public comment</p>	<p>CHAPTER 6135, Utility Crossings and Endangered Species Permit: Not applicable</p> <p>CHAPTER 103G. Waters of the State</p> <p>Subd. 8. Public comment period. Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 15 days or more, as determined by the local government unit.</p>

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
			period must be retained and considered in the formulation of final determinations concerning the permit application.	
Additional Filing/Permitting Information	Not applicable.		<p>While the MPCA is not the primary agency processing wetland permits, the agency does review them after other appropriate environmental agencies. If you plan to conduct activities that may impact wetlands, visit the Minnesota Board of Water and Soil Resources Web site.</p>	<p>Endangered Species Permit: Development Projects When taking is proposed in connection with a development project, the request can be in the form of a letter that outlines the following.</p> <ul style="list-style-type: none"> • nature of the project • location • species and number of individuals that would be taken <p>Before a permit can be issued, the project proposer is asked to explore project alternatives, including other locations or designs, which would avoid or minimize taking.</p> <p>Chapter 84.415 UTILITY LICENSES, PERMITS. Subdivision. 7. Existing road right-of-way; fee exemption. A utility license for crossing public lands or public waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road.</p> <p>CHAPTER 6135, UTILITY CROSSINGS Section 6135.1600 RELATIONSHIP TO OTHER LAWS. There are other Minnesota and federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the parts included herein will be subordinated to any law, rule, or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:</p> <p>A. federal and state wild, scenic, and recreational rivers;</p>

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	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
				<p>B. the Minnesota Environmental Protection Act; and</p> <p>C. natural and scientific areas.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Section 103G.127 PERMIT PROGRAM UNDER SECTION 404 OF FEDERAL CLEAN WATER ACT.</p> <p>Notwithstanding any other law to the contrary, the commissioner, with the concurrence of the Board of Water and Soil Resources and the commissioner of agriculture, may adopt rules establishing a permit program for regulating the discharge of dredged and fill material into the waters of the state as necessary to obtain approval from the United States Environmental Protection Agency to administer the permit program under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules may not be more restrictive than the program under section 404, or state law, if it is more restrictive than the federal program.</p>
Timing (high-level)	Not applicable.		<p>Changes to Minn. Stat. 116.03, Subd. 2b. enacted on March 3, 2011, set a goal for the MPCA to issue or deny a permit within 150 days of receipt of a complete application. To achieve that goal, beginning July 1, 2011, the MPCA will review permit applications for completeness within 30 business days of application receipt and notify the applicant of whether or not the application is complete enough for processing. If the permit application is incomplete, the MPCA will identify where deficiencies exist and advise the applicant on how they can be remedied.</p> <p>If the MPCA fails to notify the project proposer within 30 business days, the application is deemed to be substantially complete.</p> <p>Chapter 7001.0040 APPLICATION DEADLINES.</p> <p>Subpart 1. Application for new permit. Except as otherwise required by parts 7001.0530 and 7001.1040 or chapter 7090, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be</p>	<p>CHAPTER 6135, UTILITY CROSSINGS and Endangered Species Permit: Not applicable</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>03G.305 TIME LIMIT TO ACT ON WATER USE PERMIT APPLICATION.</p> <p>Subdivision 1. General 150-day limit. (a) Except as provided in subdivision 2, the commissioner must act on a water use permit within 150 days after the completed application for the permit has been submitted. Within 30 business days of application for a water use permit, the commissioner shall notify the applicant, in writing, whether the application is complete or incomplete.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
			<p>submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.</p> <p>Subp. 2. Modification or revocation and reissuance of existing permits. If a permit has been issued by the agency, the person holding the permit may file with the agency, at any time, a written application for modification of the permit or for revocation and reissuance of the permit; except that if the reason for the application is the adoption by a federal agency of a new or amended pollution standard, limitation, or effluent guideline the permittee shall file an application within the time for filing specified by the federal agency as a part of the notice of adoption published in the Federal Register.</p> <p>Subp. 3. Reissuance of existing permits. If a permit has been issued by the agency and the person holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the person shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit.</p>	
Lifetime for Permit or Authorization (if applicable)	Not applicable.		<p>7001.0150 TERMS AND CONDITIONS OF PERMITS.</p> <p>Subpart 1. Term of permit. Unless specifically otherwise provided by statute or rule, an agency permit is issued for a term not to exceed five years.</p>	<p>Endangered Species Permits.</p> <p>Subp. 8. Expiration, cancellation, and revocation of threatened and endangered permits. All permits issued as provided by parts 6212.1800 to 6212.2300 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.</p> <p>CHAPTER 6135, UTILITY CROSSINGS</p> <p>Subp. 4. Option for 25-year license. An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts 6135.0520 to 6135.0820.</p> <p>Subp. 5. Renewal of license. At the end of the license period if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the commissioner or a successor.</p>
Reporting Requirements	Not applicable.		Requirements for monitoring and testing and reporting of monitoring and testing results. Monitoring and testing requirements must specify the type, interval, and frequency of monitoring and testing activities that are	<p>Endangered Species Permit:</p> <p>Subp. 6. Reports. Before January 31 of each year, each permittee who has taken any endangered or threatened species or parts during the preceding calendar year must file</p>

	Manitoba	North Dakota	Minnesota	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Manitoba Conservation and Water Stewardship</i>	<i>North Dakota Game and Fish Department</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>
			<p>sufficient to yield representative data to determine whether there is compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. As appropriate, the permit must contain requirements for the proper use, maintenance, and installation of monitoring and testing equipment or methods. The permit must require the permittee to keep accurate records of monitoring and testing activities and to submit to the commissioner periodic reports of monitoring results required by the permit and, as requested by the commissioner, the results of other monitoring and testing undertaken by the permittee that are related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. Reporting of monitoring results must contain the certification in part 7001.0070.</p>	<p>a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.</p> <p>Utility License, Permit:</p> <p>Subd. 6. Supplemental application fee and monitoring fee. (a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees:</p> <p>(1) a supplemental application fee of \$1,750 for a public water crossing license and a supplemental application fee of \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license; and</p> <p>(2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Work In Public Waters:</p> <p>Subd. 7. Effect on environment and mitigation.</p> <p>(a) A public waters work permit may be issued only if the project will involve a minimum encroachment, change, or damage to the environment, particularly the ecology of the waterway.</p> <p>(b) If a major change in the resource is justified, public waters work permits must include provisions to compensate for the detrimental aspects of the change.</p>

Table 23. Regulations – Ontario, Minnesota, Michigan, Ohio, Pennsylvania, New York

	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Ontario Energy Board</i>	<i>Minnesota Public Utilities Commission</i>	<i>Michigan Public Service Commission</i>	<i>Public Utilities Commission of Ohio</i>	<i>Pennsylvania Public Utilities Commission</i>	<i>New York Public Service Commission</i>
Applicable If	A public utility proposes to construct or operate an electric transmission project in Ontario.	An entity in Minnesota proposes to construct or operate a high voltage electric transmission project that is not exempt.	An electric utility proposes to construct or operate a transmission project in Michigan.	An electric utility proposes to construct or operate a utility project in Ohio.	A public utility proposes to construct or operate an energy project in Pennsylvania.	A utility proposes to operate or construct an electric project in New York.
Statute or Regulation	Ontario Energy Board Act, 1998. DEBA1998 Electricity Act, 1998. EA1998	Minnesota Status Chapter 216 A-G. 216A-G Minnesota Rules Power Plant or Line Chapter 7850. C7850 Minnesota Administrative Rules Chapter 7849. C7849	Michigan Legislation Chapter 460 Public Utilities. 460PU Michigan Electric Standards Certification Act. MESCA	Ohio Administrative Code Chapter 4906. DAC4906	Pennsylvania Code Title 52 Public Utility Code. PAS2PUC Pennsylvania Code Title 25 Environmental Protection. PA25EP Pennsylvania Code Title 52 Chapter 57. PAS2-57	2010 New York Code PBS Public Service. 2010PBS
Regulated Activity	The Ontario Energy Board regulates the electricity sector in Ontario to ensure a reliable, safe, and sustainable energy sector.	The Minnesota Public Utilities Commission regulates electric public utilities and transmission facilities.	The Michigan Public Service Commission regulates electric utilities.	The Public Utilities Commission of Ohio regulates electric utilities.	The Pennsylvania Public Utility Commission regulates all public utilities in Pennsylvania.	The New York State Public Service Commission regulates investor-owned electric services in New York.
Application Procedure/ Process	Utilities must file a License application with the Board to service or operate an electric utility. The application must include: <ul style="list-style-type: none"> • A statement of the facts • Grounds for the application • The relevant statutory provisions • The nature of the proposal The Board can dismiss, approve, or hold a public hearing for the proposal. If the Board decides to hold a public hearing, the board can require the applicant to participate in technical conferences or established an interrogatory procedure and the utility would be required to respond to all interrogatories. The Board may also choose to require applicants to participate in pre-hearing conferences. After the review process is complete, the Board issues a final order that is published and becomes available to the public.	Certificate of Need: Applicants must submit an application for a Certificate of Need that meets the criteria specified in Minnesota Statute Chapter 216B-243. Certificate of Need applications are required to contain: <ul style="list-style-type: none"> • Project description • Project justification • Project construction plan and requirements • Project benefits • Project alternatives • List of applicable state, federal and local regulations, rules, and policies • List of project energy conservation improvements Route Permit: Link A route permit may be submitted with the Certificate of Need application, though can be filed separately. The route permit application must contain at least 2 proposed routes and the information required pursuant to MAR 7850. The route permit applications must include a project notice to the Commission 90 days before filing the application, an application notice 15 days after application submission, and an environmental review. The Environmental review is an Environmental Impact Statement or Environmental Assessment prepared by the Minnesota Department of Commerce, as specified by Minnesota Statute Chapter 216E.03. The Minnesota Department of Natural Resources and other state agencies review the draft Environmental Impact Statement before the application is approved by the Commission. After conclusion of the application review process, the Commission holds a public	Utilities who wish to construct a utility facility must provide a construction plan to the Commission and hold public meetings in each municipality that would be affected by the project proposal. The Commission encourages that the applicant write to the chief elective official from each municipality to offer a meeting to discuss the project proposal 60 days before the public meetings. Following the public meetings, the utility must submit an application for a certificate of necessity. A certificate application must contain: <ul style="list-style-type: none"> • A detailed description of the proposed project • Dates the construction is planned to begin • Description and evaluation of at least one alternative project proposal • A description of any zoning ordinances the project proposal would violate • The total estimated cost of the project • Project justification • Estimated public and private benefits • Public health and safety effects analysis and proof of compliance for all public health and safety requirements • A summary of all public meetings and comments and proof of necessary consent • Summary of deferral environmental standards, laws, and rules compliance The Commission must conduct a public proceeding where all members of the public are able to participate and comment. Parties interested in participating in the public hearing must receive intervenor status. After the public hearing, the Commission holds a public Commission Meeting to discuss their decision. The Commission will then issue an order of their decision.	The Ohio Power Sitting Board is part of the Commission and is composed of the Commission Chairman, members from the environmental protection agency, department of agriculture, development services agency, department of health, department of natural resources, and a member of the public. Utilities apply for a Certificate of Environmental Compatibility and Public Need in order to construct, operate, and maintain utility facilities. The application must include: <ul style="list-style-type: none"> • Project justification of public need and alternative sites • Proof of minimum adverse environmental impact • Proof the project is consistent with regional electric power grid plans • Proof the project will serve public interest and comply with water pollution and waste disposal regulations • Agricultural viability analysis • Water conservation plans and proof of consideration of various alternatives An applicant can request a pre-application meeting with the Board but must submit a pre-application letter of notification. Before the application can be submitted, the applicant must hold at least on public informational meeting and issue a public notice before the each meeting. Once the application is accepted, the Board reviews the application for completeness, issues a letter of completeness, and the application is accepted. Once the application is filed, hearing dates are set and the applicant is required to issue two public notices, one before the Commission investigation notifying the public that the application has been accepted and a second	Utilities must file an application for construction and operation of utility facilities with the Commission. The application must include the proposed route and costs. The proposed route must include: <ul style="list-style-type: none"> • Safety of alternative projects considered • Environmental impacts • Historic and scenic impacts • Existing land use and landowner information • Soil and sedimentation • Plant and wildlife habitats • Terrain • Hydrology and landscape • Location of airports and archeological sights • Statement of project needs • Required information pursuant to Pa Code 57.72. The Commission reviews the application and determines the review process of the application. Upon the filing of an application, the Commission will set the time and place for hearing or hearings of the application pursuant to Pa Code 57.75. The Commission will review the application for compliance with the required criteria pursuant to Pa Code 57.76. If the application is contented, the Commission will assign an Administrative Law Judge to the application and a public hearing will be held. The Commission also holds evidentiary hearings to offer expert testimony and examination. Public input hearings are held by the Judge. The judge then submits a recommended decision to the Commission. The Commission may require parties to submit briefs and allow for brief responses. The Commission then provides a final decision to accept, reject or modify the Judge's decision.	Utilities must submit an application for a Certificate of Environmental Compatibility and Public Need (ECPN). The applicant must provide the certificate to the Department of Environmental Conservation, the Department of Economic Development, the Secretary of State, the Department of Agriculture and Markets, the Office of Parks, Recreation and Historic Preservation, and all municipalities that would contain a portion of the proposed project. The Certification application includes: <ul style="list-style-type: none"> • Location of the project and the right-of-way • Description of the project proposed • A summary and description of environmental impact studies • Project justification • Alternative project proposal locations and justification of the location chosen The Commission encourages applicants to hold Public Information Hearings for people likely to be affected by the project proposal. After the application is submitted, the Commission determines if there will be a public hearing. If a public hearing is held, a public statement hearing may be held to allow the public to voice statements and concerns regarding the certification application. The Commission can choose to hold a formal evidentiary hearing to solicit evidence and testimony regarding the project proposal. The Department of Environmental Conservation and the Department of Agriculture and Markets typically participate in Certificate proceedings. A prehearing conference may be scheduled for groups interested in participating as parties in the public hearing.

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	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Ontario Energy Board</i>	<i>Minnesota Public Utilities Commission</i>	<i>Michigan Public Service Commission</i>	<i>Public Utilities Commission of Ohio</i>	<i>Pennsylvania Public Utilities Commission</i>	<i>New York Public Service Commission</i>
		Commission Meeting to discuss the application. A final order is published that states the Commission's decision and decision justifications.		notifying the public of the public hearing. The Board conducts an investigation of the application and publishes a staff report before the public hearing. The Board holds a public meeting, as required by law, to review the application. The public hearing is followed by an adjudicatory hearing at the Commission Office. The Commission may order parties to submit briefs, allow a response period, and submit replies to the appropriate parties. The Board then issues a final decision that includes the reasoning behind the Board's decision. An application for a rehearing must be submitted to the Board within 30 days of the Board's final decision.		After the evidentiary hearing, the Administrative Law Judge is required to file briefs, receive responses, and makes recommendations on the case. The Committee then considers all of the information presented and produced by the application review process and issues a final order containing their decision and decision justification.
Public Notification	The Board issues a directive to notify the public of a public hearing in The Ontario Gazette. The public can view all documents filed during the application proceedings and final orders on the Board's website.	<p>Certificate of Need: Certificate of Need requires a Notice Plan pursuant to MN rules Chapter 7829. This is necessary prior to filing the formal application.</p> <p>The Commission is required to maintain a current public rulemaking docket with a complete list of rulemaking proceedings, as specified in Minnesota Statutes Chapter 14.366. The Commission publishes a Notice of Comment Period on their website and the public can be added to a mailing list to receive all future Notices of Comment Periods.</p> <p>Route Permit: At least 90 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a preapplication consultation meeting with local units of government.</p> <p>Within 30 days of receiving a project notice, local units of government may request the applicant to hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local units of government. A single public meeting for which each local government unit</p>	<p>All Commission orders, Notices of Opportunity to Comment, Notice of Hearings, applications, legislative testimony and documents filed at the public hearing, and Commission Meeting dates are public and published on the Commission's website.</p> <p>Utilities must publish a public notice to comment on the certificate application in local newspapers.</p>	The applicant is required to hold a public informal meeting to inform the public of the application and hear public concerns. All applications and public meetings/hearings are required to have a notice published in local newspaper. All documents included in the review process and certification applications are public documents and can be found on the Board's website.	Public notices of the application and all public hearings are published in the Pennsylvania Bulletin. The application, all documents, and the Commission's final decision are public record and are available at the Commission's office. The public may also request a copy of any document from the Commission by phone, fax, or email. Pa Code 57.75: The Commission requires the applicant to cause the weekly publication for two consecutive weeks of a notice of hearing in a newspaper of general circulation within each municipality in which the HV line is proposed to be located.	The applicant must notify and supply a copy of the application to each municipality and state legislator affected by the proposed project before the application is submitted. The utility must provide proof that a notice of the application was published in local newspapers. The Commission is required to release a Notice of Public Statement Hearings.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Ontario Energy Board</i>	<i>Minnesota Public Utilities Commission</i>	<i>Michigan Public Service Commission</i>	<i>Public Utilities Commission of Ohio</i>	<i>Pennsylvania Public Utilities Commission</i>	<i>New York Public Service Commission</i>
		requesting a meeting is given notice satisfies the meeting requirement of this subdivision.				
Public Involvement Requirements	Members of the Public can participate in Public Hearings by applying for Intervener status with the Board. Members of the public may also make a public comment at the public hearing or file a public comment at any point during the application process.	<p>Certificate of Need: The Commission must hold at least one public hearing after the submission of a Certificate of Need application. All other agency or political parties with authority to issue permits shall provide their position regarding the application at the public hearing.</p> <p>The public can comment on an issue, file a complaint, and attend any public hearing. The public can attend and make a comment about the proposed project at all public hearings and Commission meetings.</p> <p>Route Permit: The PUC shall hold a contested case hearing after the draft environmental impact statement is prepared on all applications for a site permit or a route permit. The hearing must be conducted by an administrative law judge from the Office of Administrative Hearings pursuant to the contested case procedures of Minnesota Statutes, chapter 14. Notice of the hearing must be given in accordance with Minnesota Statutes, section 216E.03, subdivision 6. At least a portion of the hearing must be held in a county where the proposed large electric power generating plant or high voltage transmission line would be located.</p>	Utilities are required to hold public meeting in all municipalities affected by the project proposal before applying for a certificate from the Commission. Once the Commission receives the application for certificate, all affected municipality and landowners can act as interveners in the Commission's public hearing without apply.	Members of the public can submit a comment at any point during the application review process. The public can attend public informational meetings, local public hearings, submit written comments, and formally intervene in the case by applying to become an intervener or party.	All public hearings are open to the public. The public may provide an oral or written comment at the public input hearing, provide testimony at the evidentiary hearing, provide a comment during the public input meeting, and submit a comment to the Commission at any point during the application review process. The public may also petition to intervene and become an active participate in the public hearing.	All application proceedings are open to the public, including interest groups and other state agencies. Public comments can be made at any time during the application review process. The public can apply for intervener status or a group can apply for party status to formally contribute to the evidentiary hearing. Interested parties may submit written comments, briefs, provide testimony, cross-examine witnesses, and provide an oral or written statement during the Public Hearing. The public can subscribe to any case service list to participate informally in the application review process.
Additional Filing/Permitting Information		Not applicable.	All investor-owned electric utilities must join a FERC approved multistate independent transmission organization or divest its interests.	Utilities must receive all necessary federal, state, and local permits required to construct, operate, and maintain the proposed project. Some permits include Permit-to-Install and Operate, NPDES Construction Storm Water Permit, and Categorical Exclusion/Environmental Assessment/Environmental Impact Statement National Environmental Policy Act Impact Statement.	Applicants must obtain the appropriate permits from local zoning boards and the Pennsylvania Department of Environmental Protection.	The Department of Public Service participates in the ECPN application review processes to ensure representation of public interest. The Department is composed of a wide range of experts to assist the Commission during the application review process.
Timing (high-level)	The Board must issue a final decision to applicants within 60 days of making the decision. All appeals to the order must be made within 30 days after the order was issued.	<p>Certificate of Need: Within 12 months of the submission of an application, the commission shall approve or deny a certificate of need for the facility. Approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the commission. If the commission has not issued an order on the application within the 12 months provided, the commission may extend</p>	The Commission must approve or deny a certificate application within one year after the application was filed. The Commission must issue an order approving or denying a certificate of necessity application within 270 days from the date the application was filed.	A pre-application letter must be submitted at least 15 days before the meeting. The Board had 60 days to complete its review of a certification application. Notification of public hearing must be published 7-10 days before the hearing. Applications for rehearing must be submitted within 30 days and requests for Supreme Court appeal must be submitted within 60 days of the Board's final decision.	All Notices must be published in the Pennsylvania Bulletin at least 15 days before the event the notice is referencing for general applications. PA Code 57.75: The publication of the notice of hearings for the construction of electric transmission lines shall begin at least 45 days before the date set for the commencement of the hearings. A protest must be filed within 60 days of the notice publication. Exceptions must be filed within 20 days of the issued decision.	Public statement hearings for electric cases are held 60-90 days after the Certification application is submitted. Any party has 30 days after a written decision is issued by the Commission to apply for a rehearing.

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	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Ontario Energy Board</i>	<i>Minnesota Public Utilities Commission</i>	<i>Michigan Public Service Commission</i>	<i>Public Utilities Commission of Ohio</i>	<i>Pennsylvania Public Utilities Commission</i>	<i>New York Public Service Commission</i>
		the time period upon receiving the consent of the parties or on its own motion, for good cause, by issuing an order explaining the good cause justification for extension. Route Permit: The commission shall make a final decision on an application within 60 days after receipt of the report of the administrative law judge. A final decision on the request for a site permit or route permit shall be made within one year after the commission's determination that an application is complete. The commission may extend this time limit for up to three months for just cause or upon agreement of the applicant.				
Lifetime for Permit or Authorization (if applicable)	Not applicable.	All Commission orders are in force and effective 20 days after it has been filed, unless specified otherwise.	Not applicable.	Once the certificate is approved, the conditions of the certificate apply for the life of the facility unless repealed or modified.	Not applicable.	Not applicable.
Reporting Requirements	The Board is required to issue a Memorandum of understanding every three years and an annual report every year which will be made available to the public when published to the Board's website.	Not applicable.	Utilities must file an annual report, or a more frequent report if the Commission so chooses, to the Commission on the status of the project for which the certificate of necessity was approved.	Utilities must submit annual reports to the Commission containing financial, customer, and environmental Disclosure Statements.	Utilities must file an annual report with the Commission including financial and customer information and Environmental Disclosure Statements.	Utilities must file an annual report with the Commission that includes financial and customer information.
	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	<i>Minnesota Environmental Quality Board</i>	<i>Michigan Department of Natural Resources</i> <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>	<i>New York Department of Environmental Conservation</i>
Applicable If	If a developer's project releases pollutants into the air, land, or water or stores, transports, or disposes of waste.	A power line project has a potential for significant environmental impacts, requiring the preparation of an environmental review under Chapter 7850 of Minnesota's Administrative Rules which addresses power lines.				Any project that affects the environment requires an environmental review.
Statute or Regulation	Environmental Assessment Act R.S.O. 1990, CHAPTER E.18	Chapter 7850, Site or Route Permit; Power Plant or Line. Chapter 7850, Site or Route Permit; Power Plant or Line Section 3700 Environmental Assessment Preparation. Chapter 216E, Route Permits for Transmission Projects.				Section 617: State Environmental Quality Review
Regulated Activity	By law, a business must have an environmental approval or registration from the Ministry of the Environment and Climate Change if it: <ul style="list-style-type: none"> releases pollutants into the air, land or water 	The commissioner of the Department of Commerce shall prepare an environmental assessment on each proposed large electric power generating plant and each proposed high voltage transmission line being reviewed under				An action is subject to review under SEQR if any state or local agency has authority to issue a discretionary permit, license or other type of approval for that action. SEQR also

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	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch	Minnesota Environmental Quality Board	Michigan Department of Natural Resources <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	No Applicable Agency	No Applicable Agency	New York Department of Environmental Conservation
	<ul style="list-style-type: none"> stores, transports or disposes of waste <p>An environmental approval or registration sets out rules of operation for these activities that are intended to protect the natural environment and are legally enforceable.</p>	the alternative permitting process in parts 7850.2800 to 7850.3900. The environmental assessment must contain information on the human and environmental impacts of the proposed project and of alternative sites or routes identified by the commissioner and shall address mitigating measures for all sites or routes considered.				<p>applies if an agency funds or directly undertakes a project, or adopts a resource management plan, rule or policy that affects the environment. SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement. Actions under SEQR are those actions of the state or of a local government consisting of:</p> <ol style="list-style-type: none"> The approval or direct development of physical projects. Some examples are: shopping centers, factories and office buildings, dredging, residential developments, public buildings, mimes, roads and landfills, work in streams and other waterbodies, work in wetlands, and construction of dams and other structures to impound water. Planning activities that require a government agency decision. Some examples: park development plans, formation of districts, and land use plans. Adoption of agency rules, regulations, procedures and policies. Some examples: local zoning and planning, wetlands protection, public health regulations, and handling of toxic wastes. <p>Type 1 (617.4) and Type 2 Actions (617.5) Listed in Statute</p>
Application Procedure/ Process	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA). <p>The application for Environmental Compliance Approval can be found here (ECAA). This link includes general information and instructions, application summary, and required</p>	<p>Content of environmental assessment. The environmental assessment must include:</p> <ol style="list-style-type: none"> a general description of the proposed facility; a list of any alternative sites or routes that are addressed; a discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment; a discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for 				<p>State Environmental Quality Review Act (SEQR) Forms SE-A-1</p> <p>Short Environmental Assessment Forms Part 1, Parts 2&3 SE-A-2</p> <p>Full Environmental Assessment Form (FEAF Appendix A to 6 NYCRR 617.20) Part 1; Part 2; Part 3 FEAF-1 FEAF-2 FEAF-3</p>

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	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch	Minnesota Environmental Quality Board	Michigan Department of Natural Resources <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	No Applicable Agency	No Applicable Agency	New York Department of Environmental Conservation
	information. It also includes the regulatory requirements.	the proposed project and each alternative site or route analyzed; E) an analysis of the feasibility of each alternative site or route considered; F) a list of permits required for the project; and G) a discussion of other matters identified in the scoping process.				
Public Notification	Environmental Approvals Branch will maintain a public record file for elevation requests under the streamlined environmental assessment process for electricity projects and waste management projects, objections for transit projects and requests for an individual environmental assessment pursuant to Declaration Orders.	Notification of availability of environmental assessment. Upon completion of the environmental assessment, the commissioner shall publish notice in the Environmental Quality Board Monitor of the availability of the environmental assessment and mail notice of the availability of the document to those persons on the project contact list. The commissioner shall provide a copy of the environmental assessment to any public agency with authority to permit or approve the proposed project. The commissioner shall post the environmental assessment on the agency's Web page, if possible.				Environmental Notice Bulletin (ENB) means the weekly publication of the department published pursuant to section 3-0306 of the Environmental Conservation Law, and accessible on the department's internet web site at http://www.dec.state.ny.us .
Public Involvement Requirements	Public Notice of Submission Part 2, Section 6.3 subsection (1): The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the manner required by the Director. 1996, c. 27, s. 3. Subsection (2) The public notice must indicate where and when members of the public may inspect the environmental assessment and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed or as the Director may require. 1996, c. 27, s. 3. Comments Part 2, Section 6.4, subsection (2): Any person may comment in writing on the undertaking, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent's application, shall submit the comments by the prescribed deadline.	Scoping process. The commissioner of the Department of Commerce shall provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments. The public meeting required under part 7850.3500 satisfies the requirement to hold a scoping meeting. The commissioner shall mail notice of the meeting to those persons on either the general list or the project contact list at least ten days before the meeting. The commissioner shall provide at least seven days from the day of the public meeting for the public to submit comments regarding the scope of the environmental assessment. Scoping decision. The commissioner of the Department of Commerce shall determine the scope of the environmental assessment within ten days after close of the public comment period and shall mail notice of the scoping decision to those persons on the project contact list within five days after the decision. Once the commissioner has determined the scope of the environmental assessment, the scope shall not be changed except upon a decision by the commissioner that substantial				Part (d) The lead agency will make every reasonable effort to involve project sponsors, other agencies and the public in the SEQR process Section 617.8 Scoping Subsection (e): Scoping must include an opportunity for public participation. The lead agency may either provide a period of time for the public to review and provide written comments on a draft scope or provide for public input through the use of meetings, exchanges of written material, or other means. Section 617.9, subsection a(2): The lead agency will use the final written scope, if any, and the standards contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. This determination must be made in accordance with the standards in this section within 45 days of receipt of the draft EIS.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Ontario	Minnesota	Michigan	Ohio	Pennsylvania	New York
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Ontario Ministry of the Environment and Climate Change – Environmental Approvals Branch</i>	<i>Minnesota Environmental Quality Board</i>	<i>Michigan Department of Natural Resources</i> <i>(The Michigan Department of Natural Resources has ceased to accept review requests to the Environmental Review Program after September 16, 2011. Refer to the Environmental Protection Agencies by Subject Matter for applicable resource-specific permits)</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>	<i>New York Department of Environmental Conservation</i>
		changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The commissioner shall also determine as part of the scoping process a reasonable schedule for completion of the environmental assessment.				
Additional Filing/Permitting Information	Guide to EA for Electricity Projects GEAREP	An environmental assessment must be the only state environmental review document required to be prepared by the commissioner of the Department of Commerce on a project qualifying for review under the alternative review process.				FAQs Guide for the Process NYFAQ1 NYFAQ2
Timing (high-level)	<p>Guide to Applying for an Environmental Compliance Approval</p> <p>Figure 1: Application Review Stages (p. 13)</p> <p>This figure includes icons to denote which stages of the application review process are timed. There is no icon denoted the decision stage as a timed event.</p> <p>Application Intake Process</p> <p>“Your application should be submitted as soon as possible as the ministry’s review time will depend on several factors:</p> <ul style="list-style-type: none"> the quality of the application the complexity of the proposal the associated documentation concerns of the District Office or Ministry supplementary reviewers.” <p>Environmental Assessment Act, Part II Environmental Assessments Application for Approval</p> <p>Deadline</p> <p>Section (6) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.</p> <p>Ministry Review</p> <p>Completion Date</p> <p>Section 7(2) The review must be completed by the prescribed deadline.</p> <p>Same</p>	<p>Time frame for completion of environmental assessment. The commissioner of the Department of Commerce shall complete the environmental assessment in accordance with the schedule established during the scoping process. In establishing the schedule for completion of the environmental assessment, the commissioner shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, the status of other proceedings affecting the project, and the interests of the public, the applicant, and the commissioner.</p>				<p>Scoping timing. The lead agency must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope.</p>

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	Section (3) The Director may extend the deadline for completing the review if he or she considers that there is a compelling reason (which is unusual, unexpected or urgent) to do so. The Director shall notify such persons as he or she considers appropriate if the deadline is extended. Environmental Assessment Act, Ontario Regulation 616/98, Deadlines [This file provides an entire table of deadlines]					
Reporting Requirements	Decision by Minister Section 9(1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may, (a) give approval to proceed with the undertaking; (b) give approval to proceed with the undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying, (i) the methods and phasing of the carrying out of the undertaking, (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment, (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as the Minister considers necessary, (iv) such changes in the undertaking as the Minister considers necessary, (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary, (vi) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval, (vii) the period of time during which the undertaking or any part thereof shall be commenced or carried out; or	Not applicable.				Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay, must avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and must expedite all SEQR proceedings in the interest of prompt review.

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	Ontario		Minnesota		Michigan		Ohio		Pennsylvania			New York
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	(c) refuse to give approval to proceed with the undertaking. 1996, c. 27, s. 3.											
	Ontario		Minnesota		Michigan		Ohio		Pennsylvania			New York
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>New York Department of Environmental Conservation</i>
Applicable If	A transmission line project would have an impact on wetlands and alterations to shorelines and watercourses.	A transmission line project would have an impact on wildlife resources.	A transmission line project would have an impact on the waters of Minnesota.	A transmission line project would have an impact on the state's water, wildlife, and wetlands. Additionally the agency requires a license for the installation of an electricity project.	A transmission line project would have an impact on wetlands and waterbodies.	A transmission line project would have an impact on rare fish, wildlife, and plants.	A transmission line project would have an impact on the state's wetlands and waterbodies.	A transmission line project would have an impact on fish, wildlife, and or special status species.	A transmission line project would impact the state's water resources, wetlands, and wildlife.	A transmission line project would impact the state's wildlife, specifically fish.	A transmission line project would have an impact on the state's wildlife, specifically special status species.	This agency has jurisdiction if the proposed transmission line may affect the state's wildlife.
Statute or Regulation	Environmental Compliance Approvals (ECAs) and the Environmental Bill of Rights (EBR) Ontario Water Resources Act Ontario Regulation 166/06 Toronto and region conservation authority: regulation of development, interference with wetlands and alterations to shorelines and watercourses	Endangered Species Act Provincial Policy Statement	Chapter 7001, Permits and Certifications.	Endangered Species Permits Minnesota's endangered species law (MS 84.0895) and associated rules (Chapter 6212.1800, 6212.2300 and 62134) impose a variety of restrictions, a permit program, and several exemptions pertaining to species designated as endangered or threatened. Current list of endangered, threatened, and special concern species Part 6212.1800 General Restrictions for Permits to	MDEQ/USACE Joint Permit Application & Applicable Regulations that require Joint Permit.	Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act (Act 451 of the Michigan Public Acts of 1994) Environment Administrative Procedures Act of 1969 (EXCERPT) Act 306 of 1969	Section 401 Water Quality Certification Chapter 6111: Water Pollution Control Isolated Wetlands Permit Section 6111.021 ORC 3745-33 ORC 3745-2	Title XV. Conservation of Natural Resources. Chapter 1518. Endangered Species. General Provisions 1531.25 Protection of species threatened with statewide extinction. Rules for designating endangered plants	PA Title 5 Environmental Protection Article II Water Resources Chapter 105. Dam Safety and Waterway Management Dam Safety and Encroachment Acts, 32 P.S. §§693.7, et seq. Pennsylvania a Natural Diversity Inventory (PNDI) Wild Resources Conservation Act, 32 P.S. § 5301	Chapter 75. Endangered Species PA Code 35 PA Code 51 Section 2305 of the Fish and Boat Code	Game and Wildlife Code, Chapter 29, Special Licenses and Permits Sec. 2924. Sec. 2161. Commonwealth actions for damage to game or wildlife. Sec. 2164. Unlawful taking and possession of protected birds. Sec. 2167. Endangered or threatened species.	Part 175: Special Licenses and Permits Nuisance Wildlife Control License Part 182: Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern; Incidental Take Permits 6 NYCRR Part 182 NY ENV 11

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	Ontario		Minnesota		Michigan		Ohio		Pennsylvania			New York
RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	Ontario Ministry of the Environment and Climate Change	Ontario Minister of Natural Resources and Forestry	Minnesota Pollution Control Agency	Minnesota Department of Natural Resources	Michigan Department of Environmental Quality	Michigan Department of Natural Resources	Ohio Environmental Protection Agency	Ohio Wildlife Council	Pennsylvania Department of Environmental Protection	Pennsylvania Fish and Boat Commission	Pennsylvania Game Commission	New York Department of Environmental Conservation
				Possess Threatened and Endangered Species. Chapter 84.415 Utility Licenses, Permits. Chapter 6135, Utility Crossings. Chapter 103G. Waters of the State Section 103G.245 Work in Public Waters.					Fish and Boat Code, 30 Pa. C.S.A. § 101 et seq. Game and Wildlife Code, 34 Pa. C.S.A. § 101 et seq.			
Regulated Activity	ECA is the new approval that has replaced the Certificate of Approval (CofA) and section 53 Ontario Water Resources Act (OWRA) approval. RSP 1990, Part 2.1, subsection 20.2(1) Application for approval A person may apply to the Director for approval to engage in an activity mentioned in subsection 9 (1) or 27 (1) of this Act or subsection 53 (1) of the Ontario Water Resources Act if the activity has not been prescribed by the regulations for the purposes of subsection 20.21 (1). 2010, c. 16, Sched. 7, s. 2 (15).	Can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk. If a species is extirpated, endangered or threatened, the Endangered Species Act does not allow the following actions: <ul style="list-style-type: none"> • killing • harming • harassing • capturing • taking • possessing • transporting • collecting • buying • selling • leasing • trading • offering to buy, sell, lease or trade If the activity you are planning might affect species at risk then you	7001.0030 PERMIT REQUIRED. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity. MPCA water quality permits establish specific limits and requirements to	Endangered Species Permits: The law and rules prohibit taking, purchasing, importing, possessing, transporting, or selling endangered or threatened plant or animal, including their parts or seeds, without a permit. Permits may be issued for taking only under certain conditions: for educational programs, to enhance propagation or survival of the species, to prevent injury to people or property, or when the social and economic benefit of the taking outweigh the harm caused by it. Part 84.415 UTILITY LICENSES, PERMITS. Utility licenses are generally required for the installation of electrical projects. "A utility license for crossing public lands or public waters is exempt	The MDEQ/USACE "Joint Permit Application" (JPA) package covers permit requirements pursuant to state and federal rules and regulations for construction activities where the land meets the water including wetlands, often referred to as the land/water interface. It is intended to prevent duplication of state and federal regulations. The application covers activities on or for: <ul style="list-style-type: none"> • Wetlands - • Floodplains - • Marinas - • Dams - Inland Lakes and Streams • Great Lakes 	The DNR Wildlife Division and Department of Environmental Quality (DEQ) worked with businesses and citizens on a project-by-project basis to minimize harm to rare fish, wildlife and plants. This cooperative program balanced environmental concerns and economic development goals. The Department of Natural Resources is responsible for issuing Wetland permits, Endangered Species Protection Permits, Lease or land concessions to any public lands under its jurisdiction, and Permits for use of state parks.	Section 401: Any person who wishes to place dredged or fill material into wetlands or streams must apply for an individual Section 401 certification, unless the project meets the applicable conditions for a nationwide permit, as described below. Activities typically requiring 401 certifications include stream rerouting, placing streams in culverts, filling wetlands and filling in lakes. Projects that are typically regulated include construction activities at highways, marinas/docks, shopping malls, housing subdivisions and strip mining operations. Isolated Wetlands Permit: Any person who wishes to place dredged or fill material into isolated wetlands	1518.02 PROHIBITION (plants) No person shall willfully root up, injure, destroy, remove, or carry away on or from public highways, public property, or waters of the state, or on or from the property of another, without the written permission of the owner, lessee, or other person entitled to possession, any endangered or threatened plant listed by rule adopted under section 1518.01 of the Revised Code. The chief of the division of wildlife, with the approval of the wildlife council, shall adopt and may modify and repeal rules, in accordance with Chapter 119 of the Revised Code, restricting the taking or possession of native wildlife, or any eggs or offspring thereof, that he finds to be threatened with statewide extinction.	Department of Environmental Protection hereby authorizes, by general permit, subject to the terms and criteria set forth, the installation, operation and maintenance of utility line stream crossings of the regulated waters of the Commonwealth. This authorization is under Section 7 of the Dam Safety and Encroachments Act, 32 P.S. §§693.7, et	Section 75.4. Special permits. The Executive Director, or a designee, may issue special permits under section 2305 of the code (relating to threatened and endangered species) to take, catch, kill or possess threatened or endangered species upon written application on forms provided by the Commission. Subsection (1): Special permits will be issued only upon a showing of unique or extraordinary circumstances justifying the permit and the applicant shows that the permitted action does one of the following: (i) Has no	Game and Wildlife Code CHAPTER 29 Issuance.--The commission may issue permits for the importation, exportation, sale, exchange, taking or possession of any birds or animals classified as endangered or threatened, living or dead, or any parts thereof, including eggs. Sec. 2167. Endangered or threatened species. PROTECTION OF GAME OR WILDLIFE Sec. 2161. Commonwealth actions for damage to game or wildlife. Chapter 7 Sec. 725. Rights-of-way, easements and licenses. (a) General rule.--	Part 175.1: subsection (c): Applicability. This Part applies to special licenses and permits, hereinafter called licenses and Permits, authorized by the following sections of the Environmental Conservation Law: Nuisance Wildlife Control License Taking, transporting and releasing, or euthanizing wildlife when such wildlife damages or destroys property or poses a threat to public safety. For a General (Commercial) License holder only: Charging a fee to provide wildlife removal services for a property owner or lessee. Section 182.7 Licenses The department may, pursuant to Part 175, issue a license to a person to transport, sell, import and/or possess any species listed as endangered, threatened or species of special concern in this Part for purposes it deems legitimate. Such license shall state the species to which it applies and any other conditions the department may deem appropriate. Section 182.8 Prohibition Subsection (a): No person shall take or engage in any activity that is likely to result in a take of any species listed as endangered or threatened in this Part, except as authorized by an incidental take permit issued by the department pursuant to this Part or as otherwise authorized as an exempt activity in section 182.13 of this Part.

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RESPONSIBLE AUTHORITY Environmental Protection Agencies by Subject Matter	Ontario Ministry of the Environment and Climate Change	Ontario Minister of Natural Resources and Forestry	Minnesota Pollution Control Agency	Minnesota Department of Natural Resources	Michigan Department of Environmental Quality	Michigan Department of Natural Resources	Ohio Environmental Protection Agency	Ohio Wildlife Council	Pennsylvania Department of Environmental Protection	Pennsylvania Fish and Boat Commission	Pennsylvania Game Commission	New York Department of Environmental Conservation
		may need a permit.	protect Minnesota's surface and groundwater quality for a variety of uses, including drinking water, fishing and recreation. Permits are regularly reviewed and updated as they expire, allowing the MPCA to incorporate new information about the impacts of pollutants to the environment in subsequent permits. Permits are enforced through a combination of self-reporting (reports to the MPCA, U.S. EPA or both) and compliance monitoring. While the MPCA is not the primary agency processing wetland permits, the agency does review them after other appropriate environmental agencies. If you plan to conduct activities that may impact wetlands, visit	from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road." • The new law applies to both land and water crossing licenses. The application has been revised to reflect the law changes. Section 6135.1000 PROTECTING THE ENVIRONMENT It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance. CHAPTER 103G. WATERS OF THE STATE Subdivision 1. Permit requirement. Except as provided in subdivisions 2, 11, and 12, the state, apolitical subdivision of the	Bottom Lands - Critical Dunes - High Risk Erosion Areas Permit Categories Permit Guides Utility Permit Guide NPDES permits are issued in collaboration with the Army Corp of Engineers and are required for projects that are expected to disturb one or more acres of land and have a point source discharge of storm water to state waters. NPDES permits are required under Section 402 of the Federal Water Pollution Control Act (the "Federal Act," 33 U.S.C. 1251 <i>et seq.</i> , as amended, P.L. 92-500, 95-217); and Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (the NREPA). Part 31 of the NREPA also provides		must apply for and receive an isolated wetland permit from Ohio EPA. An isolated wetland is one that is not adjacent or connected to navigable waters (for example, lakes, ponds, streams, rivers). Typical projects that may require an isolated wetland permit include highway construction, commercial development, utility line projects and residential development. General permit OHC000003: Under the Ohio Water Pollution Control Act, discharges of storm water from sites where construction activity is being conducted must apply for a general permit from the Ohio EPA as well as a NPDES permit. NPDES permits: No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements specified in Ohio Revised Code 3745-33.	The rules shall identify the common and scientific names of each endangered species and shall be modified from time to time to include all species on the list of endangered fish and wildlife pursuant to Section 4 of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531, as amended, and that are native to this state, or that migrate or are otherwise reasonably likely to occur within the state. The rules shall provide for the taking of species threatened with statewide extinction, for zoological, educational, and scientific purposes, and for propagation in captivity to preserve the species, under written permits from the chief. The rules shall in no way restrict the taking or possession of species listed on such United States list for zoological, educational, or scientific purposes, or for propagation in captivity to preserve the species, under a permit or license from the United States or any instrumentality thereof. Chapter 1531.03: The wildlife council shall Advise on policies of the division and the planning, development, and	seq., and the rules and regulations promulgated thereunder at §§105.441-105.449 (relating to general permits). PNDI: It is the policy of the Department of Environmental Protection (DEP) to fully support the protection of threatened and endangered species, and special concern species where applicable, during the administration of permit programs. DEP will ensure that permit applicants utilize the Pennsylvania Natural Heritage Program's (PNHP) PNDI to achieve	demonstrable adverse impacts on the population of the species in this Commonwealth. (ii) Is in the best interest of the protection, conservation and management of the species. (iii) Is necessary and appropriate in the interests of public health and safety or promotes essential research or public education and information.	On and across lands to which title has been acquired for its use, the director may, at such charge or fee as the commission may establish, grant: (1) Rights-of-way or licenses for roads, for pipe, electric and other utility lines and for telephone, telegraph and television lines or any other rights-of-way or licenses not inconsistent with the purpose of these lands. (2) Water rights or other rights to maintain airway signals or forest fire observation towers when these rights will not adversely affect the game or wildlife resource or the use of the game or wildlife resource. (3) Rights to erect, construct, maintain and operate antennas, towers, stations, cables and other devices and apparatus helpful, necessary or required for radio broadcasting, telecasting, transmission, relaying or reception of television.	

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			the Minnesota Board of Water and Soil Resources (Link1) Web site. If you are applying for permits involving the management of stormwater or run-off, either from a construction project or Municipal (MS4) Stormwater, or interested in the Industrial Stormwater Multi-Sector General Permit, visit the stormwater page (Link2) on the MPCA Web site.	state, a public or private corporation, or a person must have a public waterworks permit to: (1) construct, reconstruct, remove, abandon, transfer ownership of, or make any change in a reservoir, dam, or waterway obstruction on public waters; or (2) change or diminish the course, current, or cross section of public waters, entirely or partially within the state, by any means, including filling, excavating, or placing of materials in or on the beds of public waters.	authority for the State to issue NPDES permits. The Michigan Department of Environmental Quality (DEQ) administers the NPDES permit program for the State of Michigan. The Department is responsible for issuing a Soil erosion permit, under NREPA Part 91 for proposed project construction is expected to disturb one or more acres of land. Counties have the primary responsibility for issuing permits. A License under Michigan Public Health Code PA 368 is required if the proposed project is expected to affect a state camp ground.			institution of programs and policies of the division, Investigate, consider, and make recommendations in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals throughout the state, as provided in this chapter and Chapter 1533. of the Revised Code, and Report to the governor from time to time the results of its investigations concerning the wildlife resources of the state with recommendations of such measures as it considers necessary or suitable to conserve or develop those resources and preserve them as far as practicable.	those ends. PNDI is the primary source of information utilized by DEP during the permit review process for the protection of threatened and endangered species, and special concern species where applicable. The PNDI coordination effort facilitates the avoidance and minimization of impacts to threatened and endangered species, and special concern species where applicable, in the Commonwealth of Pennsylvania. PNDI coordination has the benefit of supporting biodiversity conservatio		(4) Rights to the Department of Transportation to establish roadside rests and highway maintenance facilities under regulations of the commission. (5) Rights to any Federal or State agency or political subdivision to construct, maintain and operate water impoundments or flowage for flood control or recreational use. (b) Charges.--The commission may charge for these grants remuneration and damages as it deems the conditions and circumstances warrant. (c) Approval.--The director may approve the granting, lease or exchange of any easement, right-of-way or license for use of commission property.	

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									n and sustainability, when implemented in a manner consistent with the requirements of the laws and regulations implemented by DEP.			
Application Procedure/ Process	<p>Depending on the nature of the activity, you may need to:</p> <ul style="list-style-type: none"> register the activity in the Environmental Activity and Sector Registry (EASR) online system apply for an Environmental Compliance Approval (ECA) <p>Environmental Compliance Application Checklist for Technical Requirements for Complete Environmental Compliance Approval Submission Guide to Permit to Take Water</p>	<p>In some cases, a broad restriction may not be practical or even possible. Under the Endangered Species Act, the Ministry of Natural Resources can grant different types of permits or other authorizations for activities that would otherwise not be allowed, with conditions that are aimed at protecting and recovering species at risk.</p> <p>Permits A permit is like a licence. It is issued to a person, a company or an organization, and includes a set of conditions that must be met.</p> <p>Agreements Agreements are</p>	<p>Section 7001.0050 WRITTEN APPLICATION. A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a</p>	<p>Endangered Species Permit application</p> <p>For species to be taken from the wild in Minnesota, the applicant must document the following.</p> <ul style="list-style-type: none"> the justification for the taking, location, species, number of individuals to be taken or possessed that there are no feasible alternatives to the taking provide assurance that the taking will not negatively affect the species' status in Minnesota <p>Permit requests must be submitted in writing to: Minnesota Department of Natural</p>	<p>Joint Permit Application NPDES permits: The information in this Application is required by Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA. NPDES Permit The Department will review the submitted application for completeness. If the Department requires additional information or clarification, staff will inform the applicant. The applicant must meet the antidegradation Requirements pursuant to Rule 323.1098 for the application to be considered. If the</p>	<p>Application for Endangered Species Permit. Wetland permit – 30307: The Department can pursue an agreement with the U.S. Army Corp of Engineers for the permits under 22 USC 1344 section 404. The department has 30 days to approve or deny a permit application after the corps grants or denies the application. Applications must contain information pursuant to the NRERA section 324.30306, including an environmental assessment if requested by the department. Endangered Species</p>	<p>Section 401: This two-page form must be completed in its entirety along with the appropriate impact tables. An applicant must fill out the appropriate impact tables for each type of water resource proposing to be impacted (streams, wetlands and/or lakes). Additionally, Ohio EPA has developed the Section 401 Water Quality Certification Application Completion and Submittal Instructions to provide guidance and clarification on how an application should be organized, submitted and what</p>	<p>Not applicable.</p>	<p>General Permit Utility Stream Line Crossings Section 105.444. Contents of general permits. (1) A concise description of the category of dam, water obstruction or encroachment covered by the general permit, including exceptions to that category. (2) A specification of the watersheds, streams or geographic areas where the general permit is</p>	<p>Section 75.4. Special permits. Subsection (2): Persons and institutions requesting special permits shall apply before taking, catching, killing, possessing or acquiring the threatened or endangered species. Application forms and information are available from the Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. PA Code 35.2: Applications shall be in writing, shall state clearly and concisely the authorization or permission sought, shall cite by appropriate reference the statutory provision</p>	<p>Sec. 2167. Endangered or threatened species. b) General rule.-- The commission, as the agency of the Commonwealth authorized to regulate, protect, propagate, manage and preserve game or wildlife, may, in addition to the penalties provided in this title, bring civil actions on behalf of the Commonwealth for compensatory and punitive damages for any game or wildlife killed or any game or wildlife habitat injured or destroyed. In determining the value of game or wildlife killed or habitat injured or destroyed, the commission may consider all factors that give value to the game or</p>	<p>Nuisance Wildlife Control License Pass the nuisance wildlife control operator examination with a score of 80% or higher:</p> <ul style="list-style-type: none"> Register for the exam: contact a regional DEC wildlife office. Dates & locations: Held at variable times throughout the year statewide. <p>Complete and submit the Nuisance Wildlife Control Operator License Application (sent in mail after passing the exam Section 182.11 Incidental take permit; specific application requirements A permit under this section is required for any activity that is likely to result in the take or a taking of any species listed as endangered or threatened in this Part as determined by the department and that is not otherwise exempt under section 182.13 of this Part. Subsection (a): Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department. Subsection (b): Eligible applicants. Generally, the person implementing the proposed action or the person most involved in the proposed action that is subject to this Part. Subsection (c): Permit application requirements. A complete application for an incidental take permit must include a properly</p>

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		<p>drawn up between 2 parties who agree on a set of provisions. An agreement is a signed contract between a person, company or organization and the Ministry of Natural Resources. The provisions of the agreement must be followed.</p> <p>Regulatory exemption</p> <p>A regulatory exemption enables activities that would otherwise not be allowed. Exemptions can be created using a regulation under the Endangered Species Act. The regulation sets out specific circumstances and requirements that must be followed. Some regulations require registration with the ministry as one step in receiving an exemption. There are 5 types of permits</p>	<p>written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied.</p> <p>To apply for a water quality permit, look through the following list of instructions and forms to select those appropriate for your project.</p> <p>Water Quality Permit Application Environmental Review Prescreening Form</p>	<p>Resources Attn. Endangered Species Permits 500 Lafayette Rd., Box 25 St. Paul, MN 55155</p> <p>84.415 UTILITY LICENSES, PERMITS. Subdivision. 3. Application, form:</p> <p>The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right-of-way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner may require. The commissioner may at any time order such changes or modifications</p>	<p>application has been determined to be complete and the Antidegradation requirements have been satisfied, the permit writer will then proceed to develop the requested NPDES permit.</p> <p>The Department will need to develop a permit which complies with all State and Federal Standards during the application review process. Once the Surface Water Permits Section develops a draft NPDES permit and all the associated documentation, the applicant will be given an opportunity to review the draft prior to the permit being placed on Public Notice.</p> <p>After the permit has completed its public notice requirement, the Department will evaluate all concerns and comments received during the public</p>	<p>Protection - Permit Application. The application must be completed pursuant to Part 365 of the Endangered Species Protection of the Natural Resource and Environmental Protection Act (Act 451).</p> <p>Lease or grant concessions:</p> <p>After a Department receives application for a permit and the associated fee, the department determines if the application is administratively complete within 30 days or the application is considered complete. If the application is not complete, the Department will request the applicant for more information. If the application is complete, the Department will review the application and can extend the review period no more than 120 days. The review period is dependent on</p>	<p>information should specifically be included in the application packet. Instructions (WQCI)/(PIT-4) Proposed Impact Table (Part of Application) (PIT-1, PIT-2, PIT-3)</p> <p>Isolated Wetlands Permit:</p> <p>The application review process has three levels, depending on the type and size of wetlands that will be disturbed in the project.</p> <p>Section 6111.022 Proposed filling of wetland subject to level one review.</p> <p>Section 6111.023 Proposed filling of wetland subject to level two review.</p> <p>Section 6111.024 Proposed filling of wetland subject to level three review.</p> <p>General permit: The applicant must submit a Notice of Intent to the Department along with the</p>		<p>effective.</p> <p>(3) A set of standardized specifications or plans for the particular category of dam, water obstruction or encroachment or a reference to specific criteria and requirements adopted by another Federal or State agency which adequately regulates the particular category of dam, water obstruction or encroachment.</p> <p>(4) A set of conditions governing the construction, operation, maintenance, inspection and monitoring of the projects covered by the general permit as are</p>	<p>or other authority under which the agency authorization or permission is sought, and shall provide the required information pursuant to PC 35.2.</p> <p>PA Code 51.42: Applicants shall provide other information as may be required by the Executive Director to enable the Commission to fully review the application. Incomplete applications will be returned without action.</p> <p>PA Code 51.43: The Commission will review the application and determine if the proposed project is likely to have significant adverse impacts on fish, habitat, fishing, boating, or other matters within the cognizance of the Commission or not. If the Commission concludes the proposal is unlikely to have significant adverse impacts, then the applicant does not need a special permit. If the Commission concludes that there will be adverse impacts,</p>	<p>wildlife or habitat. These factors may include, but need not be limited to, the commercial resale value, the replacement costs or the recreational value of observing, hunting or fur taking. In addition, the commission may recover the costs of gathering the evidence, including expert testimony, in any civil action brought under this section where the defendant is found liable for damages.</p> <p>(c) Concurrent authority.--The commission shall have concurrent authority to enforce the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, and the regulations thereto, with respect to encroachments and water obstructions only if a violation would, in the opinion of the commission, negatively impact upon a swamp, marsh or wetland. Notwithstanding the provisions of section 26, in the event the</p>	<p>completed application for the permit and any supplemental forms. In addition to the general requirements for permit applications, an applicant must provide to the department's appropriate regional permit administrator.</p>

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		<p>issued under the Endangered Species Act:</p> <ul style="list-style-type: none"> • health or safety • protection or recovery • social or economic benefit to Ontario • Aboriginal • overall benefit 		<p>respecting construction or maintenance of structures or other conditions of the license or permit as the commissioner deems necessary to protect the public health and safety.</p> <p>CHAPTER 6135, UTILITY CROSSINGS Subdivision. 3. Application, form:</p> <p>Subp. 2. Application content. For each environmental standard listed in these parts, the applicant shall indicate whether the applicant is satisfying the standard, where applicable, or if not, why not. In dealing with route design standards, the application must, where applicable, also supply data on relevant site conditions. Except when the commissioner determines that it is not feasible and prudent, or not in the best interests of the environment,</p>	<p>notice period. The proposed permit is prepared based on comments from the public comment period.</p>	<p>the permit. The Department can chose to hold a public hearing in the affected county or is required to hold a public hearing if a person requests it within 20 days of publication of the notice of application. Once the application review process is complete, the Department will provide any local government agencies, if applicable, for review. The local unit of government shall review the application pursuant to its ordinance and shall modify, approve, or deny the application within 90 days after receipt. The Department will then make a final rule and publish the final rule for public review before submitting the rule to the Secretary.</p>	<p>associated fees who will then review the application if all the required information is included.</p> <p>NPDES permits: ORC 3745-33-03: Applications for Ohio NPDES permits shall be filed only on forms approved by Ohio EPA and shall contain such information as Ohio EPA deems necessary and pursuant to ORC 3745-33-03C.</p> <p>Establishing final permit conditions for physical and chemical specific parameters. Final effluent limitations and monitoring requirements shall be established in an NPDES permit in accordance with this rule and the reasonable potential recommendations determined pursuant to rule 3745-2-06 of the Administrative Code. The director may impose additional terms and conditions</p>		<p>necessary to assure compliance with the act and this chapter and with other laws administered by the Department, the Fish and Boat Commission and a river basin commission created by interstate compact.</p> <p>(5) A specification of registration requirements if any, established under §105.447 (relating to registration requirements) and registration or general permit fees established under §105.13 (relating to regulated activities—information and fees).</p> <p>PNDI: The PNDI Project Planning and Environmental Review Tool is a</p>	<p>then the Commission will hold a hearing and will defer action on the application until after publication of a notice of hearing.</p> <p>PA Code 51.45: If a hearing is held, the Commission will designate presiding officers and the presiding officer will file a proposed report with the Commission. A party may file a request to present oral argument to the Commission and, if the Commission grants the motion, the party will have 15 minutes to present unless otherwise specified. Upon conclusion of the hearing, the Commission will vote at a regular public meeting on whether to grant or deny the requested permit. The Commission's decision will be forwarded to the parties in writing and will constitute the agency adjudication on the matter under review.</p>	<p>commission shall bring a civil action suit pursuant to section 21 or a criminal proceeding pursuant to section 22 of the Dam Safety and Encroachments Act, any moneys recovered by the commission shall be deposited in the Game Fund instead of the Dams and Encroachments Fund.</p> <p>(b) Possession, transportation, capturing or killing.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as the representative of another, to bring into or remove from this Commonwealth, or to possess, transport, capture or kill, or attempt, aid, abet or conspire to capture or kill, any wild bird or wild animal, or any part thereof, or the eggs of any wild bird, which are endangered or threatened species. It is the duty of every officer having authority to enforce this title to</p>	

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				<p>the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Subd. 3. Permit application. Application for a public waters work permit must be in writing to the commissioner on forms prescribed by the commissioner. The commissioner may issue a state general permit to a governmental subdivision or to the general public under which more than one project may be conducted under a single permit.</p>			<p>as part of an NPDES permit as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of water quality.</p>		<p>user-friendly interface that enables the public, including applicants, consultants, and project planners to perform PNDI project review searches online. DEP or Conservation District staff can also access the tool for PNDI project screening. The online PNDI Environmental Review and Project Planning Tool can be accessed at www.naturalheritage.state.pa.us in the bottom left corner of the site. For information on how to use the PNDI Environmental Review Tool, click the link directly below the tool titled</p>		<p>seize all wild birds or wild animals, or any part thereof, or the eggs of any wild bird, which have been declared endangered or threatened.</p> <p>PA Code 145.3: A request for a hearing may be made by a party applying for relief under 145.1.</p> <p>PA Code 145.6: Upon receipt of a petition for review, the Director will order a hearing officer to conduct the hearing. The hearing officer shall notify the parties of the date, time and location of the hearing.</p> <p>PA Code 145.10: A stenographic record or electronic recording shall be made of the proceedings, the record shall be transcribed (Pa Code 197.15) and a copy thereof shall be provided at cost to a party requesting the record.</p> <p>PA Code 145.13: Matters may be decided by the Director or by the Commission. After a recommendation has been proposed by the hearing officer, parties will</p>	

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									“How to use the ER Tool.” Application (PDNIA) General Information (PDNI-2).		not be afforded an opportunity to submit oral or written statements of their position to the Director or a designee. The Director or a designee will issue an Opinion and Order within 30 days of the conclusion of the hearing or at the Director’s discretion, and submit it to the Commission at the earliest possible regular or special meeting. Copies of the opinion and order of the Director or action taken by the Commission will be sent to all parties. Rights-of-way, easements and licenses: PA Code 135.223: A person or entity requesting a license for right-of-way shall submit a completed application on a form supplied by the Commission. A description of alternatives considered in the project location and design shall be included with the application.	
Public Notification	Public participation in statement Section 8. (1) After the draft ministry statement of	Habitat regulations Section 56. (1) If a species is listed on the Species at Risk in Ontario List as an	Section 7001.1440 PUBLIC NOTICE OF APPLICATION AND PRELIMINARY DETERMINATION.	CHAPTER 6135, UTILITY CROSSINGS and Endangered Species Permit: Not applicable. CHAPTER 103G.	A Public Notice is required to be issued for all Joint Permit Applications that involve Wetlands,	The department shall post the required application documents on its website. The department shall	Section 401: Division 6111.30(C) of the Ohio Revised Code	PN401 Not applicable.	CHAPTER 105. DAM SAFETY AND WATERWAY MANAGEMENT Section 105.15.	PA. Code 35.105: notices and orders initiating hearings which are ordered by the agency to	Not applicable.	The Uniform Procedures Act recognizes major projects and minor projects for each permit type. If your project is major, then the project is subject to public review, as follows: Link

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	<p>environmental values is prepared and not later than three months after the day on which this section begins to apply to a ministry, the minister shall give notice to the public that he or she is developing the ministry statement of environmental values. 1993, c. 28, s. 8 (1).</p> <p>Means of giving notice</p> <p>Section (2) Notice under this section shall be given in the registry and by any other means the minister considers appropriate. 1993, c. 28, s. 8 (2).</p> <p>Contents of notice</p> <p>Section (3) Notice given under this section in the registry shall include the following:</p> <ol style="list-style-type: none"> 1. The text of the draft statement prepared under section 7 or a synopsis of the draft. 2. A statement of how members of the public can obtain copies of the draft statement. 3. A statement of when the minister expects to finalize the statement. 4. An invitation to members of the public to submit written comments on the draft statement within a time specified in the notice. 5. A description of any additional rights of participation in the development of the statement that the 	<p>endangered or threatened species, the Minister shall, not later than the date described in subsection (2),</p> <p>(a) give notice to the public under section 16 of the Environmental Bill of Rights, 1993 of a proposal to make a regulation under clause 55 (1) (a) that would prescribe an area as the habitat of the species;</p> <p>(b) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that,</p> <p>(i) states that the Minister is of the opinion that additional time is required to prepare a proposal to make a regulation described in clause (a),</p> <p>(ii) sets out the Minister's reasons for the opinion referred to in sub clause (i), and</p> <p>(iii) provides an estimate of when notice of a proposal to make a regulation described in clause (a) will be given to the public under section 16 of the Environmental Bill of Rights, 1993; or</p> <p>(c) publish a notice on the environmental registry established under the Environmental Bill of Rights, 1993 that,</p> <p>(i) states that the Minister is of the opinion that no</p>	<p>Subpart 1. Public notice required. Except as provided in subpart 2, the commissioner shall prepare and issue public notices in accordance with the requirements of part 7001.0100, subpart 4, except that the public comment period shall be established by the commissioner on a case-by-case basis after considering the scope, nature, and potential impacts on water quality of the project. In no event shall the public comment period be less than ten days.</p>	<p>WATERS OF THE STATE</p> <p>The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.</p>	<p>Inland Lakes and Streams, Great Lakes Bottomlands, and Dams that do not meet Minor/General Project criteria. A Public Notice packet includes: 1) A summary of the proposed project, 2) A copy of the permit application, 3) Location information, and 4) Drawings of the proposed construction activities.</p> <p>NPDES permits:</p> <p>According to Rules 2119 and 2121, the Department shall public notice a proposal to issue or deny a permit within the geographical area of the proposed or existing discharge, and allow 30 days for the submittal of comments from interested persons. The draft permit and related documentation will be made available to the general public via the Michigan DEQ website.</p> <p>If the Department determines that it is necessary to have a public meeting, hearing, or both, it will need to public notice the event, which may extend the application processing time. For 60 days following the issuance or denial of a permit, any aggrieved party may file a petition for a contested case hearing.</p>	<p>publish a notice of public hearing no less than 10 days and no more than 60 days before the date of the public hearing in at least 3 newspapers of general circulation in different parts of the state, 1 of which shall be in the Upper Peninsula. A notice of the proposed rule shall be published in the Michigan register at least 35 days before the submission of the rule to the secretary of state pursuant to PA 306, MCL 24 section 46(1) followed by a public comment period no more than 21 days.</p>	<p>places the responsibility for issuing a public notice about the application for the project with the applicant. Ohio EPA has prepared an instruction sheet to assist the applicant through this process. The instruction sheet describes the steps to be taken and coordination needed to complete this task in a timely manner.</p> <p>The applicant must issue a public notice regarding submittal of each Section 401 application for a period of 30 days to solicit public comment. Ohio EPA may conduct a public hearing on request or if the director of Ohio EPA determines the project to be complex or controversial. An applicant seeking a 401 certification must present an evaluation of alternatives and discuss the social and</p>		<p>Environmental assessment</p> <p>Section 105.21a. Public notice.</p> <p>Except for dams, water obstructions and encroachments authorized under Section 105.12, 105.64 and Subchapter L (relating to waiver of permit requirements; emergency permit; and general permits), or as small projects, the Department will publish a notice in the Pennsylvania Bulletin upon receipt of an application and again upon the issuance or denial of a permit by the Department.</p>	<p>be published in a legal newspaper or a newspaper of general circulation shall be published in the <i>Pennsylvania Bulletin</i>. A notice or order shall be published in the <i>Pennsylvania Bulletin</i> not less than 15 days prior to the date of action and copies of the notice or orders will be mailed to the participating parties.</p>		<p>A Notice of Complete Application is published by the Department in the <i>Environmental Notice Bulletin</i> (ENB). You must also publish this notice in a local newspaper.</p> <p>Section 621.3: Minor projects are not normally subject to the public notice requirements of section 621.7 of this Part, and may be processed faster than major projects as explained in section 621.10</p> <p>Nuisance Wildlife Control License: NY ENV 11.0524: The department shall annually update a list of nuisance wildlife control operators and make it available to the public in both printed and electronic formats.</p>

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	<p>minister considers appropriate.</p> <p>6. An address to which members of the public may direct,</p> <p>i. written comments on the draft statement,</p> <p>ii. written questions about the draft statement, and</p> <p>iii. written questions about the rights of members of the public to participate in developing the statement.</p> <p>7. Any information prescribed by the regulations under this Act.</p> <p>8. Any other information that the minister considers appropriate. 1993, c. 28, s. 8 (3).</p>	<p>regulation under clause 55 (1) (a) is required with respect to the species because,</p> <p>(A) the only locations in Ontario where the species is known to live in the wild are on federal land within the meaning of the Species at Risk Act (Canada),</p> <p>(B) pursuant to a regulation made under clause 55 (1) (b), clause 10 (1) (a) has no application to the species, or</p> <p>(C) other circumstances prescribed by the regulations exist, and</p> <p>(ii) sets out the reasons for the Minister's opinion referred to in sub clause (i). 2007, c. 6, s. 56 (1).</p>					<p>economic impacts that will result from the project.</p> <p>Level 3 Isolated Wetlands Permit:</p> <p>For applicants who submit applications for both a Level 3 Isolated Wetland Permit and a 401 Water Quality Certification for the same project site:</p> <p>Simultaneous with written notification from Ohio EPA that an application is complete, you will receive a draft public notice for completion. The public notice must appear for at least one day in a newspaper of general circulation where the project is located.</p> <ul style="list-style-type: none"> If your project proposes to impact a Category 3 isolated wetland, a public hearing must be scheduled and public noticed in a newspaper of general 					

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							circulation for the county where the project is located. • For applicants who submit only a Level 3 Isolated Wetland Permit application: • Ohio EPA will submit the public notice to the applicable newspaper for publication. • General permit: • Pursuant to Ohio Revised Code Section 3745.04, a Final Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. NPDES permits: ORC 5745-33-07: Upon receipt of a complete application for a variance and upon making a preliminary decision regarding the variance, the director shall					

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RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>New York Department of Environmental Conservation</i>
							public notice the variance application, the availability of the public record, the availability of the plan of study (if applicable) and the preliminary decision for public comment.					
Public Involvement Requirements	ECAs are all classified as Class II instruments which must be posted for a minimum of 30 days on the EBR for public comment, and additional public notice requirements, such as posting for an additional 15 days.	Information for public Section 51. The Minister shall ensure that the following information is made available to the public: 1. General information about this Act and the regulations. 2. The most recent information that the Minister has received from COSSARO under subsection 4 (3). 3. All reports submitted to the Minister by COSSARO under section 6. 4. All recovery strategies and management plans that have been prepared under sections 11 and 12, and all statements published by the Minister under subsections 11 (8) and 12 (5). 5. General information about the implementation of recovery strategies and management plans. 6. General information about agreements	Chapter 7001.0110 PUBLIC COMMENTS. Subpart 1. Submission of written comments. During the public comment period established in the public notice of an agency permit, an interested person, including the applicant, may submit written comments on the application or on the draft permit. If the subject of the draft permit and public notice is the modification of a permit, these comments must be limited to the portion of the permit proposed to be modified. During the public comment period, the person may also submit a petition for a public informational meeting or a contested case hearing on the application. Petitions for an informational meeting must meet the requirements of part 7000.0650, subpart 4. Petitions for a contested case	CHAPTER 6135, Utility Crossings and Endangered Species Permit: Not applicable CHAPTER 103G. Waters of the State Subd. 8. Public comment period. Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 15 days or more, as determined by the local government unit.	Public Notice and Hearing Notices, can be searched and viewed on the Coastal and Inland Waters Permit Information System (CIWPIS On-line). NPDES permits: The Department shall public notice a proposal to issue or deny a permit within the geographical area of the proposed or existing discharge, and allow 30 days for the submittal of comments from interested persons. During this public comment period it is possible for interested parties to	Link Not applicable.	Section 401: Division 6111.30(C) of the Ohio Revised Code places the responsibility for issuing a public notice about the application for the project with the applicant. Ohio EPA has prepared an instruction sheet to assist the applicant through this process. The instruction sheet describes the steps to be taken and coordination needed to complete this task in a timely manner. General Public Notice Requirements General permit: Pursuant to Ohio Revised Code Section 3745.04, a Final	GPNR Not applicable.	Section 105.446. Procedure for issuance. (2) Provide written notice of the proposed general permit to the United States Army Corps of Engineers; the United States Coast Guard; the United States Fish and Wildlife Service; the United States Environmental Protection Agency; the Fish Commission; the Game Commission; applicable river basin commissions created by interstate compact; county agencies holding delegations under § 105.4 (relating to delegations to local agencies) and other interested Federal, State or interstate agencies. (b) An opportunity	PA Code 51.45: A party may file a request to present oral argument to the Commission.	Endangered or threatened species permits: PA Code 145.1: A complaint involving a final order, decree, decision, determination or ruling by the Commission affecting personal or property rights, privileges, immunities, duties, liabilities or obligations or a party to a Commission proceeding who deems himself adversely affected by Commission action may file a complaint or request for a hearing to the Commission. PA Code 145.3: A request for a hearing may be made by a party applying for relief under 145.1 PA Code: 145.5 Requests for hearings shall be in	The Notice of Complete Application sets a public comment period. This is usually either 15-, 30- or 45-day period after the date the Notice is published, depending on the permit type requested. Based on any comments received and on staff's review of the project against permitting standards, DEC decides whether to hold a public hearing. For more information, refer to the Guide for Public Hearings.

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		entered into under sections 16 and 19 and permits issued under sections 17 and 19. 7. General information about the enforcement of this Act. 2007, c. 6, s. 51.	hearing must meet the requirements of part 7000.1800. Subp. 3. Public informational meeting. If a person requests a public informational meeting, the comments must include the items listed in subpart 2 and a statement of the reasons the person desires the agency to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting. Subp. 4. Extension of comment period. The public comment period may be extended by the commissioner if the commissioner finds an extension of time is necessary to facilitate additional public comment. Comments submitted in writing by interested persons or the applicant during the public comment period must be retained and considered in the formulation of final determinations concerning the permit application.		request a public meeting or hearing.		Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. NPDES permits: ORC 5745-33-07: Upon receipt of a complete application for a variance and upon making a preliminary decision regarding the variance, the director shall public notice the variance application, the availability of the public record, the availability of the plan of study (if applicable) and the preliminary decision for public comment.		shall be provided for interested members of the public, Federal and State agencies to provide written comments on a proposed general permit. (c) The Department may, at its discretion, hold a public hearing on a proposed general permit for the purposes of gathering information and comments.		writing and captioned "Petition for review" and shall contain the required information pursuant to Pa Code 145.5. The request shall be filed with the nonrefundable filing fee. Rights-of-way, easements and licenses: Not applicable.	
Additional Filing/Permitting Information	For additional filing and permitting information regarding environmental reviews, please refer to the Environmental DEBRG	Not applicable.	While the MPCA is not the primary agency processing wetland permits, the agency does review them after other appropriate environmental agencies. If you plan to conduct activities that	Endangered Species Permit: Development Projects When taking is proposed in connection with a development project, the 84.415 WQPA	NPDES permits: In accordance with Section 3120 of the NREPA, Application Fees are now required with NPDES Permit Applications. The applicant is obligated to submit the	Lease or grant concessions: all objects on leased land must be removed once the lease expires.	Section 401 Additional Process Steps 1. A formal mid-project review meeting procedure has been established to MPPRG DRP	Not applicable.	Other Approvals - The owner shall secure all other approvals that may be necessary under other WWPPA	PA Code 51.44: A party aggrieved by a Commission decision may file a petition to appeal the decision. A party appealing a staff decision may request the	Permits: Game and Wildlife Code 2903: Fees under section 2904 shall be multiplied by the time period selected by the applicant and remitted at the	Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.11, subsection (g): Additional requirements and information. The department may, at its discretion, require the applicant to provide reasonable access to the project site by department personnel or their designee for the purpose of assessing the effects of the proposed activity, determine compliance with permit conditions

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	Bill of Rights Guide.		may impact wetlands, visit the Minnesota Board of Water and Soil Resources Web site.	request can be in the form of a letter that outlines the following. <ul style="list-style-type: none"> • nature of the project • location • species and number of individuals that would be taken Before a permit can be issued, the project proposer is asked to explore project alternatives, including other locations or designs, which would avoid or minimize taking. Chapter 84.415 UTILITY LICENSES, PERMITS. Subdivision. 7. Existing road right-of-way; fee exemption. A utility license for crossing public lands or public waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road. CHAPTER 6135, UTILITY CROSSINGS	appropriate fee with the Application. Application Fees are non-refundable.		ensure that all applicants are offered the opportunity to meet with the application reviewer after the close of the public comment period if they so desire. 2. A formal dispute resolution procedure has been established to ensure the timely resolution of disagreements that arise during the technical review process.		Federal, State or local laws or regulations, including the specific permission of owners of bridges or other structures to which the utility line may be attached. The owner shall notify the Pennsylvania Fish and Boat Commission's Regional Field Office Manager, see Fish and Boat requirements.	Executive Director to stay the staff decision pending disposition of the appeal.	time of application for the permit. Pa Code 147.2: Applications for permits issued under this part and Chapter 29 of the act (relating to special licenses and permits) shall be accompanied by written documentation from the applicant's local governmental body where the activity will take place, that the privilege granted by the permit does not violate any enacted zoning, ordinance or other local rule. Documentation shall be provided in writing by official correspondence from an authorized officer of the municipality involved. Rights-of-way, easements and licenses: PA Code 135.223: a nonrefundable fee of \$150 payable to the Pennsylvania Game Commission shall be submitted with the application. This fee is nonrefundable whether the license is approved or denied.	and the endangered and threatened species mitigation plan, and monitoring the effectiveness of any permit conditions or measures required by an endangered and threatened species mitigation plan. Supplemental information that the department determines is necessary to review the permit application may be requested at any time. Nuisance Wildlife Control License: NY ENV 11.0524: The fee for a nuisance wildlife control operator license shall be \$50 paid annually to be deposited in the conservation fund established pursuant to section 83 of the state finance law.

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				<p>Section 6135.1600 RELATIONSHIP TO OTHER LAWS.</p> <p>There are other Minnesota and federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the parts included herein will be subordinated to any law, rule, or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:</p> <p>A. federal and state wild, scenic, and recreational rivers;</p> <p>B. the Minnesota Environmental Protection Act; and</p> <p>C. natural and scientific areas.</p> <p>CHAPTER 103G. WATERS OF THE STATE</p> <p>Section</p>							<p>PA Code: 135.225: The Commission will negotiate charges and fees as it deems conditions and circumstances warrant, with an assessed minimum annual license fee consisting of an annual minimum of \$200 per acre or partial acre impacted.</p>	

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				<p>103G.127 PERMIT PROGRAM UNDER SECTION 404 OF FEDERAL CLEAN WATER ACT.</p> <p>Notwithstanding any other law to the contrary, the commissioner, with the concurrence of the Board of Water and Soil Resources and the commissioner of agriculture, may adopt rules establishing a permit program for regulating the discharge of dredged and fill material into the waters of the state as necessary to obtain approval from the United States Environmental Protection Agency to administer the permit program under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules may not be more restrictive than the program under section 404, or state law, if it is more</p>								

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				restrictive than the federal program.								
Timing (high-level)	Not applicable.	Not applicable.	Changes to Minn. Stat. 116.03, Subd. 2b. enacted on March 3, 2011, set a goal for the MPCA to issue or deny a permit within 150 days of receipt of a complete application. To achieve that goal, beginning July 1, 2011, the MPCA will review permit applications for completeness within 30 business days of application receipt and notify the applicant of whether or not the application is complete enough for processing. If the permit application is incomplete, the MPCA will identify where deficiencies exist and advise the applicant on how they can be remedied. If the MPCA fails to notify the project proposer within 30 business days, the application is deemed to be substantially complete. Chapter 7001.0040 APPLICATION DEADLINES. Subpart 1. Application for new permit. Except as otherwise required by parts 7001.0530 and 7001.1040 or chapter 7090, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the	CHAPTER 6135, UTILITY CROSSINGS and Endangered Species Permit: Not applicable CHAPTER 103G. WATERS OF THE STATE 03G.305 TIME LIMIT TO ACT ON WATER USE PERMIT APPLICATION. Subdivision 1. General 150-day limit. (a) Except as provided in subdivision 2, the commissioner must act on a water use permit within 150 days after the completed application for the permit has been submitted. Within 30 business days of application for a water use permit, the commissioner shall notify the applicant, in writing, whether the application is complete or incomplete.	If a complete response is not provided within 30 days, the application will be closed. Some regulatory parts allow extensions if requested within the 30 day time frame. Once the WRD has received the information necessary for review of the project, including a thoroughly completed application, consistent drawings that have adequate detail for review and the full application fee, the file will be reviewed for final processing. A mailed postcard or a public notice will provide the file number and the telephone number of the office where the application is being processed. The review time to determine if an application is complete for processing ranges from 15 to 30 days. Technical processing times, after the application is administratively complete, may range from 60 to 90 days. Processing times will be longer if a public hearing is held. NPDES permits: Once the Application is determined to be complete, the Department has 180 days to make a	The Department will review the application and can extend the review period no more than 120 days. The department can choose to hold a public hearing in the affected county within 60 days of application submission or is required to hold a public hearing if a person requests in within 20 days of publication of the notice of application.	Section 401: State law requires that 401 water quality certifications be issued within 180 days of receiving a complete application. Applications must be complete before Ohio EPA will initiate the review process. NPDES Permits: ORC 3745-33-04: The director shall issue or deny an application for a permit for a new discharge for the installation or modification of a disposal system, or for renewal of a permit, within one hundred eighty days of the date on which the director receives a complete application with all plans, specifications, construction schedules, and other pertinent information required by the director.	Approximately one month (project specific).	CHAPTER 105. Dam Safety and Waterway Management Section 105.43. Time limits. Subsection (a): The Department will set time limits for the commencement and completion of work under a permit and may set time limits for the commencement and completion of work under a Letter of Amendment or Letter of Authorization issued under this chapter that it deems reasonable and appropriate to carry out the purposes of this chapter. Subsection (b): For water obstruction and	PA Code 51.42: An application for permit shall be filed no later than 40 days before the activity to be permitted; however, the Executive Director may waive this limitation for good cause in cases where the permitted activity is found by the staff to be unlikely to result in significant adverse impacts on fish, fish habitat, fishing, boating or other matters within the cognizance of the Commission. PA Code 35.20: A party aggrieved by a Commission decision may file a petition to appeal with the Commission within 10 days after service of notice of the action.	Endangered or threatened species permits: PA Code 145.4: Requests for hearings shall be filed with the Director within 30 days following issuance of a notice of adverse action or central office recommended resolution. PA Code 145.6: A minimum of 10 days between issuance of a hearing notice and the date of the hearing will be given to allow notification of parties and their representatives. Rights-of-way, easements and licenses: Not applicable.	Nuisance Wildlife Control License and Incidental Take Permit: Part 175.4: The department will determine if an application is complete for review. Incomplete or vague applications will be returned to the applicant with a request for additional information within 30 calendar days after receipt of the application. The application review time period will not begin until the department has determined that an application is complete. The Department will mail their decision, either a license or permit, or a statement of denial, to the applicant within 45 calendar days after receipt of the completed application.

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			<p>permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.</p> <p>Subp. 2. Modification or revocation and reissuance of existing permits. If a permit has been issued by the agency, the person holding the permit may file with the agency, at any time, a written application for modification of the permit or for revocation and reissuance of the permit; except that if the reason for the application is the adoption by a federal agency of a new or amended pollution standard, limitation, or effluent guideline the permittee shall file an application within the time for filing specified by the federal agency as a part of the notice of adoption published in the Federal Register.</p> <p>Subp. 3. Reissuance of existing permits. If a permit has been issued by the agency and the person holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the person shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit.</p>		determination as to issuance or denial of a new or increased use permit application.				<p>encroachments, if the construction is not completed on or before the dates established in the permit, unless extended by the Department in writing, the permit shall become void without further notification by the Department .</p> <p>PNDI searches are valid for one (1) year from the date of the search. If a permit application or permit registration request is submitted more than one year after the initial search, or conclusion of coordination with the jurisdictional agency (whichever is later), then a new PNDI search</p>			

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									is required. The PNDI search is valid only for the specific location and project for which it was run. PNDI Flow Chart.			
Lifetime for Permit or Authorization (if applicable)	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	Guide to Permit to Take Water Application Form All permits to take water, which are issued through the Ministry of Environment and Climate Change, are issued with an expiration date, but a specific time period is not identified.	7001.0150 TERMS AND CONDITIONS OF PERMITS. Subpart 1. Term of permit. Unless specifically otherwise provided by statute or rule, an agency permit is issued for a term not to exceed five years.	Endangered Species Permits. Subp. 8. Expiration, cancellation, and revocation of threatened and endangered permits. All permits issued as provided by parts 6212.1800 to 6212.2300 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed. CHAPTER 6135, UTILITY CROSSINGS Subp. 4. Option for 25-year license. An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts 6135.0520 to 6135.0820. Subp. 5. Renewal of license. At the end of the license period if both parties wish to renew, the renewal fee	Not applicable.	Lease/concession- no more than 7 years unless the concession requires capital investment, in which case the lease can be up to 15 years. Wetland permit Not applicable. Endangered Species Protection Permit: The permit can be for a single year or for multiple years.	Section 401: Unless a different time frame is established, the 401 certification is valid for five years when issued in conjunction with a Corps individual Section 404 permit. Isolated Wetlands Permit: Section 6111.021: A general permit is effective for five years. Upon the expiration of a general permit, the director shall issue a new general permit. The director may issue an individual state isolated wetland permit for purposes of sections 6111.023 and 6111.024 of the Revised Code. An individual permit issued under either of those sections is effective for five years. The issuance of a general or individual state isolated wetland permit constitutes the issuance of a section 401 water quality certification for purposes of the Federal Water Pollution Control Act.	Not applicable.	Not applicable.	Not applicable.	Endangered or threatened species permits: Game and Wildlife Code Section 2903: all permits shall be issued for a one-year, two-year or three-year time period selected by the applicant for the permit based on the fiscal year for the Commonwealth Rights-of-way, easements and licenses: Not applicable.	Nuisance Wildlife Control License 1-year (October 1 - September 30) Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.12, subsection (c) Permit term: The permit term of an incidental take permit issued pursuant to this Part will run concurrently with the duration of an implementation agreement approved by the department pursuant to section 182.11(e) of this Part. Subsection (d) Renewal: A permittee whose activity may result in an incidental take beyond the period of time covered in the applicable incidental take permit or implementation agreement must file for renewal of the permit at least 60 days prior to its expiration. Filing for renewal shall be made by the permittee on forms provided by the department. A filing for renewal shall be subject to the procedures and standards for review of an application for a new incidental take permit.

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				and time period will be determined by such methods as are developed by the commissioner or a successor.								
Reporting Requirements	Restoration plans Section 95. (1) This section applies to restoration plans negotiated by the parties and to restoration plans developed by the court under section 98. 1993, c. 28, s. 95 (1). Restoration plans: purposes (2) A restoration plan in respect of harm to a public resource resulting from a contravention shall, to the extent that to do so is reasonable, practical and ecologically sound, provide for, (a) the prevention, diminution or elimination of the harm; (b) the restoration of all forms of life, physical conditions, the natural environment and other things associated with the public resource affected by the contravention; and (c) the restoration of all uses, including enjoyment, of the public resource affected by the contravention. 1993, c. 28, s. 95	Not applicable.	Requirements for monitoring and testing and reporting of monitoring and testing results. Monitoring and testing requirements must specify the type, interval, and frequency of monitoring and testing activities that are sufficient to yield representative data to determine whether there is compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. As appropriate, the permit must contain requirements for the proper use, maintenance, and installation of monitoring and testing equipment or methods. The permit must require the permittee to keep accurate records of monitoring and testing activities and to submit to the commissioner periodic reports of monitoring results required by the permit and, as requested by the commissioner, the results of other monitoring and testing undertaken by the permittee that are related to compliance with the terms and	Endangered Species Permit: Subp. 6. Reports. Before January 31 of each year, each permittee who has taken any endangered or threatened species or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted. Utility License, Permit: Subd. 6. Supplemental application fee and monitoring fee. (a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees: (1) a supplemental application fee of \$1,750 for a public water crossing license	Not applicable.	The department shall conduct a review of the state list of endangered and threatened species within not more than 2 years after its effective date and every 2 years thereafter, and may amend the list by appropriate additions or deletions pursuant to Act No. 306 of the Public Acts of 1969.	Water Pollution Control Act: Section (6) The director may condition permits upon the installation of discharge or water quality monitoring equipment or devices and the filing of periodic reports on the amounts and contents of discharges and the quality of receiving waters that the director prescribes. The director shall condition each permit for a government-owned disposal system or any other "treatment works" as defined in the Federal Water Pollution Control Act upon the reporting of new introductions of industrial waste or other wastes and substantial changes in volume or character thereof being introduced into those systems or works from "industrial users" as defined in section 502 of that act, as necessary to comply with section 402(b)(8) of that act; upon the identification of the character and volume of pollutants subject to pretreatment standards being introduced into the system or works; and	Not applicable.	Section 105.444. Contents of general permits. A set of conditions governing the construction, operation, maintenance, inspection and monitoring of the projects covered by the general permit as are necessary to assure compliance with the act and this chapter and with other laws administered by the Department, the Fish and Boat Commission and a river basin commission created by interstate compact. Through the PNDI process, the applicant or project sponsor must work with the appropriate resource agency to avoid, minimize and mitigate impacts to species. After they consult with the appropriate resource agency and receive a clearance letter than DEP may continue to	Not applicable.	Endangered or threatened species permits: Game and Wildlife Code Section 2906: Each permit holder shall keep accurate records of all transactions carried out under authority of the permit issued and any other information required by the director. The records for each year of a permit must be kept for a period of three years and shall be open to inspection by any officer of the commission during normal business hours and shall be the basis of any reports required by the commission. Game and Wildlife Code Section 2907: The director may require reports from any permit holder, except that no report may be required with respect to species of fox not indigenous to this Commonwealth. Annual reports	Section 175.6 Special Provisions (e) Any person who has been issued a license or permit pursuant to this Part consents to allow any authorized representative of the department access to enter upon his or her premises to conduct inspections for compliance with license or permit conditions or to take any action it deems necessary to stop or mitigate any threat to the health and welfare of fish or wildlife populations or the human population resulting from activities authorized pursuant to his or her license or permit. Section 182.11 Incidental take permit; specific application requirements Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department. (1) The measures the applicant will undertake to minimize and fully mitigate impacts to any species listed as endangered or threatened in this Part for which the incidental take permit application is being submitted. All proposed measures shall be capable of successful implementation, and shall be legally, technologically, economically and biologically practicable; (2) Data and information to ensure that the taking sought to be authorized by the incidental take permit will not reduce the likelihood of the survival or recovery of the species in New York; (3) A proposed method for monitoring the effectiveness of the plan; and (4) A description of the funding source, the level of funding, and the guarantee or

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	Ontario		Minnesota		Michigan		Ohio		Pennsylvania			New York
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Ontario Ministry of the Environment and Climate Change</i>	<i>Ontario Minister of Natural Resources and Forestry</i>	<i>Minnesota Pollution Control Agency</i>	<i>Minnesota Department of Natural Resources</i>	<i>Michigan Department of Environmental Quality</i>	<i>Michigan Department of Natural Resources</i>	<i>Ohio Environmental Protection Agency</i>	<i>Ohio Wildlife Council</i>	<i>Pennsylvania Department of Environmental Protection</i>	<i>Pennsylvania Fish and Boat Commission</i>	<i>Pennsylvania Game Commission</i>	<i>New York Department of Environmental Conservation</i>
			conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. Reporting of monitoring results must contain the certification in part 7001.0070.	and a supplemental application fee of \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license; and (2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee. CHAPTER 103G. WATERS OF THE STATE Work In Public Waters: Subd. 7. Effect on environment and mitigation. (a) A public waters work permit may be issued only if the project will involve a minimum encroachment, change, or damage to the environment, particularly the ecology of the waterway. (b) If a major change in the resource is justified, public waters work permits must include provisions to compensate for the detrimental aspects of the change.			upon the existence of a program to ensure compliance with pretreatment standards by "industrial users" of the system or works. In requiring monitoring devices and reports, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance. NPDES permits: ORC 5745-33-07: Final effluent limitations and monitoring requirements shall be established in an NPDES permit in accordance with this rule and the reasonable potential recommendations determined pursuant to rule 3745-2-06 of the Administrative Code.		evaluate and make a permit decision.		shall be due within 30 days after expiration of the permit. For multiple year permits, reports shall be submitted by July 30 of each year that the permit is in effect. The director may designate other times for reports if information is needed by the commission for its operations. Rights-of-way, easements and licenses: Not applicable.	assurance of funding that the applicant will provide to implement the endangered or threatened species mitigation plan including but not limited to bonds, insurance, or escrow. Nuisance Wildlife Control License: NY ENV 11.0524: Any person with a Nuisance Wildlife Control License shall submit annually a report to the department which specifies each client's name and address, the date work was performed, the species controlled, the abatement method used, the disposition of the animal, and any other information as required by the department.

Table 24. Regulations – Quebec, New York, Vermont, New Hampshire, Maine

	Quebec	New York	Vermont	New Hampshire	Maine
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Regie de l'energie Quebec</i>	<i>New York Public Service Commission</i>	<i>Vermont Department of Public Service</i>	<i>New Hampshire Public Utilities Commission</i>	<i>Maine Public Utilities Commission</i>
Applicable If	An electric utility proposes to operate or construct a project in Quebec.	A utility proposes to operate or construct an electric project in New York.	A utility proposes to construct or operate an electric transmission project in Vermont.	A utility proposes to operate or construct an electric project in New Hampshire.	A utility proposes to construct and operate an electric project in Maine.
Statute or Regulation	An act respecting the Régie de l'énergie. RE1996	2010 New York Code PBS Public Service. 2010PBS	Title 30 Vermont Statutes Annotated Section 248. 30VSA248	New Hampshire Statutes RSA 362:2 Public Utilities New Hampshire Statutes RSA 162-H Energy Facility Evaluation, Siting, Construction and Operation New Hampshire Statutes RSA 21-G:10	Maine Revised Statutes Title 35-A Public Utilities. MRS35A 5 MRSA 8001 Maine Administrative Procedure Act. MAPA
Regulated Activity	The Regie de l'energie Quebec regulates the rates and conditions for the electric power transmission sector.	The New York State Public Service Commission regulates investor-owned electric services in New York.	The Vermont Public Service Board regulates energy utilities.	The New Hampshire Public Utilities Commission regulates electric utilities.	The Maine Public Utilities Commission regulates electric utilities. If the construction project is proposed in a statutory corridor, then the Interagency Review Panel shall identify an initial range of value for the use of state-owned land or assets, establish and implement a regular process for soliciting, accepting and evaluating energy infrastructure proposals for use of a statutory corridor, and evaluate and render a decision on an energy infrastructure proposal pursuant to Sec. A-2. 35-A MRSA §122.
Application Procedure/Process	Utilities must file an application to the Régie de l'énergie (Commission) to carry out any electric power transmission activities. Applications are examined and decided by three Commissioners. The application must include: <ul style="list-style-type: none"> • Identification of economic, social, and environmental concerns • Sales forecasts and expected distribution obligations • Economic feasibility of the project • Technical requirements The Board is required to hold a public meeting and must issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission may require participants to submit comments in writing. The Commission reserves the right to hold a pre-hearing conference with all proceeding participants. The applicant must submit a tender solicitation and contract awarding procedure to ensure inclusion of interested parties, as specified in Section 74.1. The Commission must make a final decision after the tender solicitation and contract awarding procedure is submitted. The Board is required to publish all decisions in the Gazette officielle du Quebec and send a copy to the Minister.	Utilities must submit an application for a Certificate of Environmental Compatibility and Public Need (ECPN). The applicant must provide the certificate to the Department of Environmental Conservation, the Department of Economic Development, the Secretary of State, the Department of Agriculture and Markets, the Office of Parks, Recreation and Historic Preservation, and all municipalities that would contain a portion of the proposed project. The Certification application includes: <ul style="list-style-type: none"> • Location of the project and the right-of-way • Description of the project proposed • A summary and description of environmental impact studies • Project justification • Alternative project proposal locations and justification of the location chosen The Commission encourages applicants to hold Public Information Hearings for people likely to be affected by the project proposal. After the application is submitted, the Commission determines if there will be a public hearing. If a public hearing is held, a public statement hearing may be held to allow the public to voice statements and concerns regarding the certification application. The Commission can choose to hold a formal evidentiary hearing to solicit evidence and testimony regarding the project proposal. The Department of Environmental Conservation and the Department of Agriculture and Markets typically participate in Certificate proceedings. A prehearing conference may be scheduled for groups interested in participating as	Utilities must submit an application for a Certificate of Public Good to the Commission to construct a utility project. At least 45 days prior to filing a petition for the certificate, the applicant must submit proposed project plans to municipal and regional planning commissions and legislative bodies. The proposed plan must include a detailed project summary, construction plans, and aesthetic impact analysis. To file a certificate application, the applicant must submit copies of the application to the Clerk of the Public Service Board, the Department of Public Service, Agency of Natural Resources, Attorney General's Office, Department of Health, Vermont Division of Historic Preservation, Scenery Preservation Council, State Planning Office, Agency of Transportation, and Agency of Agriculture. The Certificate application must include: <ul style="list-style-type: none"> • A project description, the VSA the application is being reviewed under, and contact information • Notice of appearance • Certificate of service • Pre-filed testimony • All application criteria are met as specified in Tile 30 VSA 248. Application criteria include project justification, system stability and reliability, economic benefit, aesthetics, historic sites, air and water purity, natural environmental,	Utilities must apply for a Certification of Site and Facility to the Site Evaluation Committee in order to build and operate utilities. The applicant must hold at least one public information meeting before filing the application and publish an application notice. The applicant must also hold a public information session after the acceptance of the certification application. The Committee is composed of members from the public utilities commission, department of environmental services, department of resources and economic development, department of transportation, department of cultural resources, and two members of the public. The Certification application must include: <ul style="list-style-type: none"> • Type and size of the proposed project • Alternatives to the proposed project and reasons why the proposed project was chosen • Environmental impact analysis and a proposal to study and solve environmental problems • Financial, technical, and managerial plans for construction and operation of the proposed project • Description of the project • Cost benefit analysis of the project The Committee must decide to accept or reject the application within 60 days of filing. If the Committee decides to accept the	Utilities must submit all necessary permit requirements before submitting an application for a Certificate of Public Convenience and Necessity (CPCN) to the Commission. The CPCN application must include: <ul style="list-style-type: none"> • Project summary and description • Procedural history of the project • Construction plans • Cost estimates and customer cost impacts • Project alternatives and costs • System reliability analysis • Project justification • Proof of public need Upon receiving the application, the Commission decides whether or not to hold a public hearing. The Commission's presiding officer may hold prehearing conferences, require parties to file prehearing memoranda, and the officer may decide to issue a prehearing order. The Commission also reserves the right to consult advisory staff in order to settle discussions but all parties must be noticed and given the opportunity to attend the advisory session. After the review process, the Commission will make a final decision in written form and send that decision to all parties involved in the proceedings. 35-A MRSA §122: If the construction project is proposed in a statutory corridor, the project proposal is reviewed by the Interagency Review Panel pursuant to Sec. A-2. 35-A MRSA §122. If proposal is accepted, the panel may enter into negotiations with the potential developer who

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	Quebec	New York	Vermont	New Hampshire	Maine
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Regie de l'energie Quebec</i>	<i>New York Public Service Commission</i>	<i>Vermont Department of Public Service</i>	<i>New Hampshire Public Utilities Commission</i>	<i>Maine Public Utilities Commission</i>
		<p>parties in the public hearing.</p> <p>After the evidentiary hearing, the Administrative Law Judge is required to file briefs, receive responses, and makes recommendations on the case. The Committee then considers all of the information presented and produced by the application review process and issues a final order containing their decision and decision justification.</p>	<p>public health and safety, consistency with integrated resource plan, compliance with state electric energy plan, outstanding resource waters, waste to energy facilities, and existing or planned transmission facilities.</p> <p>Impact analysis criteria must be completed in accordance with Act 250 Natural Resources Board.</p> <p>Once the Certificate application is filed, a prehearing conference will be held to determine the docket schedule. The Board or Hearing Officer usually visits the site in the interim between application submission and the public hearing. A public hearing is held after the application is deemed complete and the Commission receives informal public comments and concerns about the project proposal. Following the public hearing, the Commission holds a technical hearing and required parties to complete briefs. The Commission can propose a decision and receive feedback or issue a final decision.</p> <p>The Department of Public Service and the Agency of Natural Resources are automatically considered parties and can actively participate in evidentiary or technical hearings, along with other registered parties and interveners.</p>	<p>application, at least one public hearing is held in each county affected by the proposed project. All public hearings are Joint hearings, with participation from permitting or regulatory authorities. After the review process is complete, The Committee issues a final decision to approve or deny the Certification application.</p>	<p>submitted the proposal regarding a long-term occupancy agreement with the State for the use of the statutory corridor, in accordance with 35-A MRSA §122 subsection E.</p>
Public Notification	<p>The Board is required to issue written instructions for the meeting, including a deadline to file all proceeding documents and information and the date and location of the hearing. The Commission is also required to public a notice of application in the Gazette officielle due Quebec and in daily local newspapers.</p>	<p>The applicant must notify and supply a copy of the application to each municipality and state legislator affected by the proposed project before the application is submitted. The utility must provide proof that a notice of the application was published in local newspapers. The Commission is required to release a Notice of Public Statement Hearings.</p>	<p>All scheduled hearings are noticed and published on the Commission's website for public accessibility. The applicant must submit a description of the project proposal and impact analysis to local and regional planning commissions and boards, local municipalities, local legislators, and land owners at least 45 days before the certificate application can be filed with the Commission.</p>	<p>All documents and hearings are open to the public. Notices of applications and public hearings are required and are to be published in local newspaper. The applicant must hold at least one public information session 30 days before filing the application and must publish a notice in the local newspaper 14 days prior to the session. The applicant must also hold a public information session in each county affected by the proposal 45 days after the acceptance of the certification application.</p>	<p>Notice of Proceeding, Notice of Hearing, and Notice of Decision are filed on the Commission's website and available to the public.</p> <p>All Commission decisions are posted to the Commission's website and available to the public.</p> <p>35-A MRSA §122: If the construction project is proposed in a statutory corridor the panel shall provide public notice of the availability of the statutory corridor for energy infrastructure development, a description of the type of development anticipated in the statutory corridor and the opportunity for potential developers to submit proposals for use of the statutory corridor.</p>
Public Involvement Requirements	<p>In the Notice of application, the public will be notified of the application, the public hearing, and informed how to participate. The public can submit an application to become an intervener and actively participate in the public hearing. The Commission may ask the applicant to financial support public participants.</p>	<p>All application proceedings are open to the public, including interest groups and other state agencies. Public comments can be made at any time during the application review process. The public can apply for intervener status or a group can apply for party status to formally contribute to the evidentiary hearing. Interested parties may submit written comments, briefs, provide testimony, cross-examine witnesses, and provide an oral or written statement during the Public Hearing. The public can subscribe to any case service list to participate informally in the application review process.</p>	<p>The public can submit an informal comment at any point during the certificate review process. The Commission holds a public hearing to solicit public feedback and all documents and hearings regarding the certification application are open and available to the public. The public can apply for intervener status or groups can apply to be parties allowing them to actively participate in the evidentiary hearing.</p>	<p>The public can submit comments at any time during the application process and can make a comment during public hearings. Any person can file a petition to become an intervener or party and actively participate in the public hearings.</p>	<p>All meetings, public proceedings, and deliberative sessions of the Commission are open to the public. Members of the public petition to become an intervener that allows them to actively participate in the public hearing or present testimony as a public witness. Groups can petition to become parties to actively participate in the public hearing.</p>

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	Quebec	New York	Vermont	New Hampshire	Maine
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>Regie de l'energie Quebec</i>	<i>New York Public Service Commission</i>	<i>Vermont Department of Public Service</i>	<i>New Hampshire Public Utilities Commission</i>	<i>Maine Public Utilities Commission</i>
Additional Filing/Permitting Information	Not applicable.	The Department of Public Service participates in the ECPN application review processes to ensure representation of public interest. The Department is composed of a wide range of experts to assist the Commission during the application review process.	Applicants must apply for all applicable federal or state permits such as Conditional Use Determination for impacts to wetlands, storm water permits.	The Committee requires that all relevant permitting bodies submit their final decision to the Committee within 240 days of application acceptance. Permits from the Department of Energy and the National Environmental permit are typically required.	All relevant federal and local permit applications must be submitted before submission of the CPCN application to the Commission. Some required permits included Clean Water Act, Section 404 permit as issued by the Army Corps of Engineers, the Site Location of Development Act permit, and the Natural Resources Protection Act permit. 35-A MRSA §122 subsection H: No later than February 1st of each year, the panel shall provide a written report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that documents the activities of and actions taken by the panel under this subsection during the previous calendar year.
Timing (high-level)	The Commission must make a final decision within 90 days after the tender solicitation and contract awarding procedure is submitted.	Public statement hearings for electric cases are held 60-90 days after the Certification application is submitted. Any party has 30 days after a written decision is issued by the Commission to apply for a rehearing.	Any appeal to a final decision by the Board must be filed within 30 days of filing of the Board Order.	The Committee will accept or deny the Certification application within 365 days of acceptance of the application. A person must request a rehearing of a decision within 30 days of the Committee Decision.	A petition to reopen or reconsider a decision or order of the Commission must be made within 20 days from when the final decision or order was filed.
Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.
Reporting Requirements	Utilities are required to submit an annual report to the Commission that includes capitol stock, assets, liabilities, revenues, price and rate changes, and any other required information.	Utilities must file an annual report with the Commission that includes financial and customer information.	VSA 30 22 and Public Service Board Rule 3.800. Electric utilities are required to submit annual reports to FERC.	The commission requires monthly and quarterly reports regarding safety, financial, and consumer report information. The Commission also requires annual reports from utilities. The Committee must report to the Commission and provide budget requests and any other information.	Not applicable.
	Quebec	New York	Vermont	New Hampshire	Maine
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>
Applicable If	If a developer proposes a transmission line over 75kV it is subject to assessment and review.	Any project that affects the environment requires an environmental review.			
Statute or Regulation	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Section 617: State Environmental Quality Review §617			
Regulated Activity	No person may undertake or carry out a project referred to in Schedule A of the Environment Quality Act (R.S.Q., c. Q-2), i.e., a project that is automatically subject to the environmental and social impact assessment and review procedure, or a project that falls into the "grey zone," i.e., a project that is not automatically exempt from this procedure (Schedule B of the Act), in a northern region (territory covered by an agreement) unless a certificate of authorization or an attestation of exemption of the project has been issued by the Minister, in accordance with sections Link	An action is subject to review under SEQR if any state or local agency has authority to issue a discretionary permit, license or other type of approval for that action. SEQR also applies if an agency funds or directly undertakes a project, or adopts a resource management plan, rule or policy that affects the environment. SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a			

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Quebec	New York	Vermont	New Hampshire	Maine
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>
	154 and 189 of the Act. Projects subject to assessment and review procedure: All electric power transmission lines of over 75 kV. Projects exempt: All control or transformer stations of a voltage of 75 kV or less, or electric power transmission lines of a voltage of 75 kV or less.	significant adverse impact, prepare or request an environmental impact statement. Actions under SEQR are those actions of the state or of a local government consisting of: 1. The approval or direct development of physical projects. Some examples are: shopping centers, factories and office buildings, dredging, residential developments, public buildings, mimes, roads and landfills, work in streams and other waterbodies, work in wetlands, and construction of dams and other structures to impound water. 2. Planning activities that require a government agency decision. Some examples: park development plans, formation of districts, and land use plans. 3. Adoption of agency rules, regulations, procedures and policies. Some examples: local zoning and planning, wetlands protection, public health regulations, and handling of toxic wastes. Type 1 (617.4) and Type 2 Actions (617.5) Listed in Statute			
Application Procedure/Process	Project proponents may use this preliminary information form (Word, 141 ko) to request a certificate or attestation. The proponent must submit at least fifteen (15) hard copies of the preliminary information and at least fifteen (15) electronic copies in PDF (Portable Document Format) all in French. The proponent should also submit five (5) hard copies and five (5) electronic copies in English. Additional copies may be requested depending on the scope of the project.	State Environmental Quality Review Act (SEQR) Forms Short Environmental Assessment Forms Part 1, Parts 2&3 Full Environmental Assessment Form (FEAF Appendix A to 6 NYCRR 617.20) Part 1; Part 2; Part 3 DGEES SEA-1 SEA-2 FEAF-1 FEAF-2 FEAF-3			
Public Notification	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Environmental Notice Bulletin (ENB) means the weekly publication of the department published pursuant to section 3-0306 of the Environmental Conservation Law, and accessible on the department's internet web site at http://www.dec.state.ny.us . Link1 Link2			
Public Involvement Requirements	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Part (d) The lead agency will make every reasonable effort to involve project sponsors, other agencies and the public in the SEQR process Section 617.8 Scoping Subsection (e): Scoping must include an opportunity for public participation. The lead agency may either provide a period of time for the public to review and provide written comments on a draft scope or provide for public input through the use of meetings, exchanges of written material, or other means. Section 617.9, subsection a(2): The lead agency will use the final written scope, if any, and the standards Link1 Link2			

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	Quebec	New York	Vermont	New Hampshire	Maine			
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>	<i>No Applicable Agency</i>			
		contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. This determination must be made in accordance with the standards in this section within 45 days of receipt of the draft EIS.						
Additional Filing/Permitting Information	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	FAQs Guide for the Process NYFAQ1 NYFAQ2						
Timing (high-level)	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Scoping timing. The lead agency must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope.						
Reporting Requirements	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay, must avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and must expedite all SEQR proceedings in the interest of prompt review.						
	Quebec	New York	Vermont	New Hampshire	Maine			
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i> <i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i> <i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i> <i>Maine Department of Fisheries and Wildlife</i>			
Applicable If	Environmental Assessment Legislation (Link1) Environmental Quality Act (R.S.Q., c. Q-2) (Link2)	This agency has jurisdiction if the proposed transmission line may affect the state's wildlife.	The proposed transmission line project affects the state's water resources and wetlands.	This agency has jurisdiction if the proposed transmission line may affect the state's water resources and wetlands.	This agency has jurisdiction if the proposed transmission line could impact the state's wildlife.	This agency is responsible for issuing permits for development impacting wetlands and waterbodies.	This agency is responsible for the protection of rare fish, wildlife, and plants from development projects.	
Statute or Regulation	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Part 175: Special Licenses and Permits Nuisance Wildlife Control License Part 182: Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern; Incidental Take Permits 6 NYCRR Part 182 NY ENV 11	Title 29, Chapter 11 Management of Lakes and Ponds - Lake Encroachment Permit Program. Shoreland Protection Act. (Chapter 49A of Title 10, Section 1441 et seq.) Vermont Wetland Rules Vt. Code R. 12 004 056.	Vermont's Endangered Species Law (10 V.S.A. Chap. 123). Obstructing Streams 10 V.S.A. Section 4607.	RSA 482-A:3, XV Excavating and Dredging Permit; Certain Exemptions Env-Wt 303.04 (af) Minimum Impact Projects (see Env-Wt 100-900 Wetlands Rules) Wetlands Rules Env-Wt 100-800 TITLE L WATER MANAGEMENT AND PROTECTION CHAPTER 482-A FILL AND DREDGE	TITLE XVIII Fish and Game CHAPTER 212-A Endangered Species Conservation Act RSA Fis 804	Natural Resources Protection Act (NRPA) 38 MRSA 480-B Section 305 Permit By Rule (PBR) MRS Title 38 Chapter 2 Subchapter A MRS Title 5, Part 18 Chapter 375, Subchapter 4.	Maine Endangered Species Act (MESA)

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
					IN WETLANDS			
Regulated Activity	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	<p>Part 175.1: subsection (c): Applicability. This Part applies to special licenses and permits, hereinafter called licenses and Permits, authorized by the following sections of the Environmental Conservation Law:</p> <p>Nuisance Wildlife Control License</p> <p>Taking, transporting and releasing, or euthanizing wildlife when such wildlife damages or destroys property or poses a threat to public safety.</p> <p>For a General (Commercial) License holder only: Charging a fee to provide wildlife removal services for a property owner or lessee.</p> <p>Section 182.7 Licenses</p> <p>The department may, pursuant to Part 175, issue a license to a person to transport, sell, import and/or possess any species listed as endangered, threatened or species of special concern in this Part for purposes it deems legitimate. Such license shall state the species to which it applies and any other conditions the department may deem appropriate.</p> <p>Section 182.8 Prohibition</p> <p>Subsection (a): No person shall take or engage in any activity that is likely to result in a take of any species listed as endangered or threatened in this Part, except as authorized by an incidental take permit issued by the department pursuant to this Part or as otherwise authorized as an exempt activity in section 182.13 of this Part.</p>	<p>Lake Encroachment Permit Program</p> <p>Projects encroaching on public waters such as docks, walls, boathouses, bridges, water intakes, cables, dredging, or fill, may require a permit. Lake Encroachment Permits (LEP) are issued under 29 V.S.A. Chapter 11 (Management of Lakes and Ponds), which regulates encroachment in public waters. The goals of this program are to minimize the encroachment on public waters as well as ensure that projects do not adversely affect the public good and are consistent with the Public Trust Doctrine.</p> <p>Shoreland Protection Act</p> <p>Any new development, redevelopment, or clearing of a property, may require a permit or registration. Shoreland development within 250 feet of a lake's mean water level for all lakes greater than 10 acres in size. The intent of the Act is to prevent</p>	<p>No person shall take or possess an endangered or threatened species, except when exempted as provided for in 10 V.S.A. § 5408.</p> <p>Section 4.2 Pursuant to 10 V.S.A. § 5408(a) the Secretary may, after receiving the advice of the Endangered Species Committee, grant permits for the taking and possession of an endangered or threatened species: for scientific purposes; to enhance the propagation of species; to prevent or mitigate economic hardship; for zoological exhibition; for educational purposes; for noncommercial cultural or ceremonial purposes to a person for the collection and possession of a dead salvage bird or parts thereof, including bird feathers, provided that the permit issued complies with federal requirements regarding collection and possession of migratory birds and the bird was legally acquired, transferred from an individual who acquired it legally, or found dead and the permittee had no part in the intentional killing of the bird, or for special purpose consistent with the purpose of the Federal Endangered Species Act (see 16 U.S.C. § 1531(b)).</p> <p>Section 4607. Obstructing streams</p> <p>(a) A person shall not unless authorized by the commissioner, prevent the passing of fish in a stream or the outlet or inlet of a natural or</p>	<p>Require a permit for all impacts (disturbance, fill, and dredge) whether temporary or permanent.</p> <p>Env-Wt 303.04 Minimum Impact Projects. A minimum impact project shall be any project that meets any of the following criteria and does not meet any of the criteria specified in Env-Wt 303.02 or Env-Wt 303.03:</p> <p>Section (i): Construction of a temporary crossing of a brook, stream, or river for the construction or maintenance of utility pipes or lines, provided the crossing:</p> <p>(1) Is not in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);</p> <p>(2) Is not within 100 feet of the highest observable tide line;</p> <p>(3) Is removed within 2 years of the date the permit by notification under RSA 482-A:3, XV is issued by the department, provided that if weather conditions preclude the removal of the crossing when the work is completed, the crossing may remain in place until weather conditions allow its removal;</p> <p>(4) Does not meet the criteria of Env-Wt 303.02(k); and</p> <p>(5) Does not access property that has been converted from forestry uses to non-forestry uses, except that forestry uses may be combined with normal agricultural operations or trail</p>	<p>The state should assist in the protection of species of wildlife which are determined to be threatened or endangered elsewhere pursuant to the endangered species act by prohibiting the taking, possession, transportation or sale of endangered species and by carefully regulating such activities with regard to threatened species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this chapter.</p> <p>Section 212-A:7</p> <p>212-A:7 Prohibited Acts. –</p> <p>Section I: With respect to any endangered or threatened species, it is unlawful, except as provided in RSA 212-A:7, II for any person to:</p> <p>(a) Export any such species from this state;</p> <p>(b) Take any such species within this state;</p> <p>(c) Possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such species;</p> <p>(d) Violate any rule adopted under this chapter pertaining to the conservation of such species of wildlife listed pursuant to RSA 212-A:6, IV.</p> <p>Section II: The executive director may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by this section for scientific purposes or to enhance</p>	<p>The purpose of this section of the Natural Resources Protection Act (NRPA) provides, in part, that: "The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State."</p> <p>A permit is</p>	<p>A state agency or municipal government may not permit, license, fund or carry out projects that will:</p> <p>A. Significantly alter the habitat identified under section 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or</p> <p>B. Violate protection guidelines set forth in section 12804, subsection 3.</p>

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
			<p>degradation of water quality in lakes, preserve habitat and natural stability of shorelines, and maintain the economic benefits of lakes and their shorelands. The Act seeks to balance good shoreland management and shoreland development.</p> <p>Vermont Wetlands Rules Section 6 Allowed Uses</p> <p>Section 6.08 The routine repair and maintenance of utility poles, lines and corridors in a manner which minimizes adverse impacts and is accordance with Best Management Practices developed by the Secretary.</p> <p>Section 6.13: Emergency repair, cleanup, or maintenance of structures and facilities (including utility poles and lines, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings), or emergency actions required to provide for public health, safety and welfare for disaster relief in connection</p>	<p>artificial pond on a public stream, by means of a rack, screen, weir, or other obstruction, and shall comply with the terms of the notice provided in subsection (b) of this section.</p> <p>(b) The commissioner may order such an obstruction removed by the person erecting the same or by the owner of the land on which it is located, by serving on such person or owner a written notice requiring the removal of such obstruction within ten days after service thereof. When such person fails to remove any such obstruction within the time required in such notice, the commissioner may remove the same and recover the expense thereof in a civil action on this section.</p>	<p>construction or maintenance, or both;</p> <p>Env-Wt 304.13 Utility Crossings.</p> <p>Section (a): Crossings of surface waters or wetlands by utilities shall be kept to a minimum and shall be located to minimize impact in accordance with Env-Wt 302.04.</p> <p>Section (b): The width of the impact shall be kept to that necessary for safe operation of machinery and safety of workers. Supplies and spoils shall not be stockpiled in wetlands. Spoils means the material that is removed as the result of dredging.</p> <p>I Mats shall be used when their use will reduce the impact on the wetland.</p> <p>Section (d): Projects shall not endanger navigation, recreation, or commerce of the general public.</p> <p>I Siltation control devices shall be used in accordance with Env-Wt 304.06 as appropriate.</p> <p>Section (f): Crossings shall be restored to natural grade, stabilized, and replanted with native vegetation.</p>	<p>the propagation or survival of the affected species.</p> <p>Section 212-A:8 Conflicts; State and Local Laws. – Any law, regulation or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation or shipment of species determined to be an endangered species or threatened species is void to the extent that it may effectively:</p> <p>I. Permit what is prohibited by this chapter or by any rule adopted under this chapter;</p> <p>II. Prohibit what is authorized pursuant to an exemption or permit provided for in this chapter or in any rule adopted under this chapter. This chapter shall not be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife or plants.</p>	<p>required when an "activity" will be:</p> <ul style="list-style-type: none"> • Located in, on or over any protected natural resource, or • Located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland, or (B) certain freshwater wetlands. <p>An "activity" is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair or alteration of any permanent structure.</p> <p>Section 480-D. Standards: The department shall grant a permit upon proper application and upon such terms as it considers necessary to fulfill the purposes of</p>	

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			<p>with a federal or state-designated disaster.</p> <p>Section 6.22: The installation of a new overhead utility line that does not involve extensive tree clearing, with three poles or fewer in the wetland or buffer zone, in compliance with Best Management Practices developed by the Secretary.</p> <p>Section 9 Permits: Activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use or authorized by a permit, conditional use determination or order issued by the Secretary. The Secretary may impose any conditions in such a permit that are deemed necessary to achieve the purposes of these rules. The Secretary may issue a permit authorizing an activity occurring within a Class I wetland only to meet a compelling public need to protect public health or safety.</p> <p>Permit shall not be required for:</p> <p>1. Any activity</p>				<p>this article. The department shall grant a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 1 to 11, except that when an activity requires a permit only because it is located in, on or over a community public water system primary protection area the department shall issue a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 2 and 5.</p> <p>Section 480-Q. Activities for which a permit is not required</p> <p>Subsection 16 Activities in Coastal Sand Dunes A. (1) Installation or repair of underground utility lines</p> <p>Section 487-A. Hazardous activities; transmission lines</p>	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

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RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
			that occurred before the effective date of 10 V.S.A. § 913 unless the activity occurred within: a. an area identified as a wetland on the VSWI maps as they existed on the date the activity commenced; b. a wetland that was contiguous to an area identified as a wetland on the VSWI maps; or c. the buffer zone of a wetland referred to in a. or b. above. 2. Any construction within a wetland that is identified on the VSWI maps as they existed on the date the activity commenced, or within the buffer zone of such a wetland, provided that the construction was completed prior to February 23, 1992, and no action for which a permit or conditional use determination was required under these rules was taken or caused to be taken on or after February 23, 1992.					
Application Procedure/Process	Wetlands Statutes and Information. (Link1) Link1	Nuisance Wildlife Control License Pass the nuisance wildlife control operator examination	Lake Encroachment LEPA SPAA	An applicant for a Takings and AETSTR SOA	Criteria and Conditions for CCR WUMNA	Not applicable.	Permit By Rule Form PBRE NRPAA	For projects located partly or REPE

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

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	Threatened and Species at Risk. (Link1) Link1	<p>with a score of 80% or higher:</p> <ul style="list-style-type: none"> Register for the exam: contact a regional DEC wildlife office. Dates & locations: Held at variable times throughout the year statewide. <p>Complete and submit the Nuisance Wildlife Control Operator License Application (sent in mail after passing the exam)</p> <p>Section 182.11 Incidental take permit; specific application requirements</p> <p>A permit under this section is required for any activity that is likely to result in the take or a taking of any species listed as endangered or threatened in this Part as determined by the department and that is not otherwise exempt under section 182.13 of this Part.</p> <p>Subsection (a): Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department.</p> <p>Subsection (b): Eligible applicants. Generally, the person implementing the proposed action or the person most involved in the proposed action that is subject to this Part.</p> <p>Subsection (c): Permit application requirements. A complete application for an incidental take permit must include a properly completed application for the permit and any supplemental forms. In addition to the general requirements for permit applications, an applicant must provide to the department's appropriate regional permit administrator.</p>	<p>Permit Application</p> <p>Shoreland Protection Act</p> <p>Application</p> <p>If your proposed project is not exempt or allowed, fill out an Inquiry Form and submit it to the Shoreland Permit Program. The Inquiry sheet will tell program staff about your proposal and serve a request for determination about whether the proposal qualifies as a Registered project or will need a Permit. Submitting an Inquiry form early in your planning process is recommended so that likely permit conditions can be taken into account.</p> <p>If your proposal qualifies as a Registration project, fill out the Registration form found on the Shoreland Permit Program website, or call the program and ask for one to be mailed to you.</p> <p>If your proposal needs a Shoreland Permit, complete the Permit Application Form found on the Shoreland Permit Program website,</p>	<p>Possession permit shall submit an administratively complete application to the Secretary, specifying for which purpose(s) the permit is required, as listed in 10 V.S.A. § 5408(a).</p> <p>Information required for stream obstruction application includes the following: Description and location of proposed activity, name of waterbody.</p>	<p>Permits</p> <p>Wetlands Utility Maintenance Notification Application</p>		<p>Application</p> <p>MRS Title 38 Chapter 2 Subchapter A: The Environmental Protection Board prior to holding a hearing on an application over which the board has assumed jurisdiction, the board shall ensure that the department and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application and that the applicant has had an opportunity to respond to those comments and requests.</p> <p>MRS Title 5, Part 18, Chapter 375.4 A public hearing will not be held until a request for a hearing is made under MSA Title 5 section 9052, subsection 1, paragraph A, or a hearing is set by the agency. If a public hearing is held, the proceedings will be conducted pursuant to MRS</p>	<p>wholly within Essential Habitat as defined by 12 M.R.S.A. Section 12804-2 and this chapter, it is the responsibility of the state agency or municipality considering the permit or license application, or funding or carrying out the project, to obtain the Department's review. The Department will provide forms entitled Request for Project Evaluation.</p> <p>Essential Habitat Review Process: MRS Title 12.13 Chapter 913, 10751: The commissioner shall furnish application blanks, licenses and permits in such form as the commissioner may designate. "Request For Project Evaluation" (MDIFW Form EHR4/03).</p>

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			or call the program and ask for one to be mailed to you. Wetlands General Permit 9.8 Application for Authorization Under a General Permit (for Class II wetlands)				Title 5, Part 18 Chapter 375 Subchapter 4. MRS Title 5, Part 18 Chapter 375 Subchapter 4 9058: Every agency decision made at the conclusion of an adjudicatory proceeding shall be in writing or stated in the record, and shall include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision shall be delivered or promptly mailed to each party to the proceeding or his representative of record. Written notice of the party's rights to review or appeal of the decision within the agency or review of the decision by the courts, as the case may be, and of the action required and the time within which such action must be taken in order to exercise the right of review or appeal, shall be given to each party with the decision.	
Public Notification	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 The Uniform Procedures Act recognizes major projects and minor projects for each permit type. If your project is major, then the project is subject to public review, as	Link Once an application is complete, it is sent with a request for comments to adjoining landowners;	Not applicable.	CHAPTER 482-A FILL AND DREDGE IN WETLANDS (d) At the time the applicant files the	Section 212-A:6 b) Except with respect to species of wildlife determined to be	B. Notification. The applicant must file notice of the activity with the DEP prior to beginning	Not applicable.

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RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
		<p>follows:</p> <p>A Notice of Complete Application is published by the Department in the <i>Environmental Notice Bulletin</i> (ENB). You must also publish this notice in a local newspaper.</p> <p>Section 621.3: Minor projects are not normally subject to the public notice requirements of section 621.7 of this Part, and may be processed faster than major projects as explained in section 621.10</p> <p>Nuisance Wildlife Control License: NY ENV 11.0524: The department shall annually update a list of nuisance wildlife control operators and make it available to the public in both printed and electronic formats.</p>	<p>local, regional and state offices; and other interested persons. The Watershed Management Division may conduct investigations, meetings, and site evaluations to verify information contained in an application.</p> <p>Lake Encroachment Permit: 29 VSA 11.405: Written notice of each application shall be given by the department to abutting property owners, the selectmen of the town in which the proposed encroachment is located, and other persons as it considers appropriate. Notice of the public information meeting shall be provided to all persons who have filed written comments within the notice period, and to other persons as the department considers appropriate.</p> <p>The department shall give written notice to the abutting property owners and other persons considered appropriate, of the action taken in approving a permit or denying the application within 5 days of taking action.</p> <p>Shoreline Permit: Once deemed "administratively complete," ANR will post the Registration Form on their website for 15 days for informational purposes. Note, under the law, Registration applications are not subject to the same public notice process as permit applications.</p>		<p>application with the department, the applicant shall provide written notice of the proposed project to:</p> <p>(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice.</p> <p>Env-Wt 803.08 Notification of Decision on a Proposed In-Lieu Fee Payment.</p> <p>(b) The department shall notify the applicant and the town in which the project is located in writing of its decision on the proposal.</p>	<p>endangered or threatened pursuant to the endangered species act, the executive director shall, upon petition of an interested person who presents substantial evidence that warrants a review, conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to this paragraph. The executive director shall give public notice of the review.</p>	<p>work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.</p> <p>MRS Title 5, Part 18 Chapter 375.4: Notice of the pending license application shall be provided 30 days next prior to the date of the expected date of an agency decision. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection1.</p> <p>When a hearing is required by the Constitution of Maine, the applicable law or by agency regulation or has been requested pursuant to subsection 1, notice of the hearing shall be provided 30 days next prior to the scheduled initial hearing. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection2.</p>	

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			<p>Wetlands Permit:</p> <p>Part 9 c. Notice</p> <p>The Secretary shall publish notice of any proposed general permit in no fewer than three daily newspapers that collectively circulate throughout the state. The Secretary shall also provide notice by email to the Panel and by direct mail or email to all persons requesting such notice prior to or during the comment period. Copies of any proposed general permit shall be posted on the Agency of Natural Resources website, and shall be available for review during normal office hours at the Wetlands Office of the Department of Environmental Conservation in Waterbury, each regional office of the Agency of Natural Resources and such other location as the Secretary may direct. The notice shall: (1) accurately summarize the proposed general permit(s); (2) indicate where copies can be obtained; and (3) provide at least 45 days in which to file written.</p>					
Public Involvement Requirements	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	<p>The Notice of Complete Application sets a public comment period. This is usually either 15-, 30- or 45-day period after the date the Notice is published, depending on the permit type requested. Based on any comments received and on staff's review of the project against permitting standards, DEC decides whether to hold a public hearing. For more information, refer to the Guide for Public Hearings.</p> <p>Link1 Link1</p>	<p>Once an application is complete, it is sent with a request for comments to adjoining landowners; local, regional and state offices; and other interested persons. The Watershed Management Division may conduct investigations, meetings, and site evaluations to verify information contained in an application.</p> <p>GPH</p>	Not applicable.	<p>CHAPTER 482-A FILL AND DREDGE IN WETLANDS (d) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:</p> <p>(1) All abutters, as defined in the rules of the department, unless exempted in such rules,</p>	<p>Section 212-A:6 b) Except with respect to species of wildlife determined to be endangered or threatened pursuant to the endangered species act, the executive director shall, upon petition of an interested person who presents substantial evidence that warrants a review, conduct a review of any listed or unlisted</p>	<p>B. Notification. The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit. MRS Title 5, Part 18</p>	Not applicable.

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			<p>Lake Encroachment Permit: 29 VSA 11.405: Written notice of each application shall be given by the department to abutting property owners, the selectmen of the town in which the proposed encroachment is located, and other persons as it considers appropriate. Notice of the public information meeting shall be provided to all persons who have filed written comments within the notice period, and to other persons as the department considers appropriate.</p> <p>The department shall give written notice to the abutting property owners and other persons considered appropriate, of the action taken in approving a permit or denying the application within 5 days of taking action.</p> <p>Shoreline Permit: Once deemed "administratively complete," ANR will post the Registration Form on their website for 15 days for informational purposes. Note, under the law, Registration applications are not subject to the same public notice process as permit applications.</p> <p>Wetlands Permit: Part 9 c. Notice The Secretary shall publish notice of any proposed general permit in no fewer than three daily newspapers that collectively circulate throughout the state. The Secretary shall also</p>		<p>which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice.</p> <p>Env-Wt 803.08 Notification of Decision on a Proposed In-Lieu Fee Payment.</p> <p>(b) The department shall notify the applicant and the town in which the project is located in writing of its decision on the proposal.</p>	<p>species proposed to be removed from or added to the lists published pursuant to this paragraph. The executive director shall give public notice of the review.</p>	<p>Chapter 375.4: Notice of the pending license application shall be provided 30 days next prior to the date of the expected date of an agency decision. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection1.</p> <p>When a hearing is required by the Constitution of Maine, the applicable law or by agency regulation or has been requested pursuant to subsection 1, notice of the hearing shall be provided 30 days next prior to the scheduled initial hearing. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection2.</p>	

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			provide notice by email to the Panel and by direct mail or email to all persons requesting such notice prior to or during the comment period. Copies of any proposed general permit shall be posted on the Agency of Natural Resources website, and shall be available for review during normal office hours at the Wetlands Office of the Department of Environmental Conservation in Waterbury, each regional office of the Agency of Natural Resources and such other location as the Secretary may direct. The notice shall: (1) accurately summarize the proposed general permit(s); (2) indicate where copies can be obtained; and (3) provide at least 45 days in which to file written.					
Additional Filing/Permitting Information	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.11, subsection (g): Additional requirements and information. The department may, at its discretion, require the applicant to provide reasonable access to the project site by department personnel or their designee for the purpose of assessing the effects of the proposed activity, determine compliance with permit conditions and the endangered and threatened species mitigation plan, and monitoring the effectiveness of any permit conditions or measures required by an endangered and threatened species mitigation plan. Supplemental information that the department determines is necessary to review the permit application may be requested at any time. Link1 Link1 Nuisance Wildlife Control License: NY ENV 11.0524: The fee for a nuisance wildlife control operator license shall be \$50 paid annually to be deposited in the conservation fund established pursuant to section 83 of the state finance law.	Not applicable.	Part 4.5 Avoidance and Minimization a. Applicants for Takings and Possession permits shall have the burden to show that reasonable steps have been taken in to avoid and minimize takings. The Applicant shall provide information that demonstrates: i. The proposed activity cannot practicably be designed to avoid taking and still satisfy the basic project purpose; and ii. If avoidance of taking of a listed species cannot practicably be achieved, the proposed activity has been planned to minimize adverse impacts on the listed species.	Best Management Practices Manual Modification/Amendments Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area requires a new application according to RSA 482:A-3, XIV(e) and RSA 482-A:3,1. How to Ensure Your Permit Application is Accepted	NHBMPM HEYPA Not applicable.	Not applicable.	Not applicable.

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
Timing (high-level)	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Nuisance Wildlife Control License and Incidental Take Permit: Part 175.4: The department will determine if an application is complete for review. Incomplete or vague applications will be returned to the applicant with a request for additional information within 30 calendar days after receipt of the application. The application review time period will not begin until the department has determined that an application is complete. The Department will mail their decision, either a license or permit, or a statement of denial, to the applicant within 45 calendar days after receipt of the completed application.	Shoreline Permit: The registration applicant must wait 15 days after submitting their complete Registration Form before starting their proposed project, unless otherwise notified by the Shoreland Permit Program. During this period of time, ANR may request additional information or may notify an applicant that a Shoreland Permit is required for the project rather than a Registration. If an applicant is not notified by the Shoreland Permit Program, other than a confirmation that a Registration Form was received, after 15 days their project is automatically approved. Lake Encroachment Permit: 60-90 days for final decision to be issued once an application is considered complete. Wetland Section 9 Permits: VT Code R. 12.004.056.9.2: The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may dismiss the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request. VT Code R. 12.004.056.9.3: The Secretary shall send a notice of a permit application to all towns	Part 4.9 The Secretary shall inform an applicant of a decision to approve or deny a permit no more than 60 (sixty) days following an application being deemed administratively complete unless the Secretary determines there is just cause. Stream Obstruction: 30-60 days from receipt of request. Review may include on-site inspection by fisheries biologist.	Part (3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve the application, in whole or in part, and issue a permit; or (B) Deny the application and issue written findings in support of the denial; or (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant; or Part (4) Where no request for additional information is made pursuant to subparagraph (a)(2), within 75 days from the issuance of the notice of administrative completeness for proposed projects under one acre of jurisdictional impact, or 105 days for all others: (A) Approve the application, in whole or in part, and issue a permit; or (B) Deny the application and issue written findings in support of the denial; or (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or (D) Extend the time for rendering a decision on the application for good	Not applicable.	By law, the commissioner of the DEP is annually required to set processing times on applications. Currently, permit-by-rules must be processed in no more than 14 days. Tier 1 wetland applications must be processed in 45 days and the Tier 2 applications are completed within the maximum of 90 days. Review times vary for the different types of general permits. The maximum processing time for most full NRPA applications is 120 calendar days, but most applications are processed in a shorter time period. If the project is unusually complex or there is a problem with the quality of an application, processing will occasionally take the maximum processing time.	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
			wherein the affected wetland area or buffer zone is located and to all persons owning property within or adjacent to the affected wetland area or buffer zone with a request that the notice be posted for no less than 15 days VT Code R. 12.004.056.9.6: Within 15 days of the date of the decision, the applicant, any person entitled to notice, or any person who filed written comments regarding the permit application may request in writing reconsideration by the Secretary. If the Secretary fails to act on a request for reconsideration within 20 days of its filing, the request shall be deemed to be denied.		cause and with the written agreement of the applicant. Part (5) Where the department has held a public hearing on an application filed under this chapter, within 60 days following the closure of the hearing record, approve the application in whole or in part, and issue a permit or deny the application and issue written findings in support of the denial. (b)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request. (2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall: (A) Approve the application, in whole or in part, and issue a permit; or (B) Deny the application and issue written findings in support of the denial.			
Lifetime for Permit or	Wetlands Statutes and Information. (Link1) Link1	Nuisance Wildlife Control License 1-year (October 1 -	Shoreline Permit	Not applicable.	Issued permits and completed permit by	Not applicable.	The PBR is generally effective for 2 years from	Not applicable.

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change	New York Department of Environmental Conservation	Vermont Department of Environmental Conservation	Vermont Fish and Wildlife Department	New Hampshire Department of Environmental Services	New Hampshire Fish and Game	Maine Department of Environmental Protection	Maine Department of Fisheries and Wildlife
Authorization (if applicable)	Threatened and Species at Risk. (Link1)	Link1 September 30) Part 182: Endangered and Threatened Species of Fish and Wildlife Section 182.12, subsection (c) Permit term: The permit term of an incidental take permit issued pursuant to this Part will run concurrently with the duration of an implementation agreement approved by the department pursuant to section 182.11(e) of this Part. Subsection (d) Renewal: A permittee whose activity may result in an incidental take beyond the period of time covered in the applicable incidental take permit or implementation agreement must file for renewal of the permit at least 60 days prior to its expiration. Filing for renewal shall be made by the permittee on forms provided by the department. A filing for renewal shall be subject to the procedures and standards for review of an application for a new incidental take permit.	Registrations are issued for an indefinite period of time provided the land-owner complies with the requirements of the Registration and takes no additional action for which a permit is required. Wetlands Rules An individual wetland permit shall remain valid for one year from the date of issuance unless the Secretary specifies a longer period not to exceed five years. A general permit shall be issued for a specified period of time not to exceed five (5) years from the date of issuance. Authorizations issued by the Secretary pursuant to a general permit shall be valid for a specified period of time not to exceed five (5) years.		notifications shall have a duration of 5 years. Requests for extensions of such permits may be made to the department. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following: (1) The permit for which extension is sought has not been revoked or suspended without reinstatement. (2) Extension would not violate a condition of law or rule. (3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit. (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension. Utility Maintenance Notifications are valid for one year from the Notification Completion Date as found on the DES One Stop website.		the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.	
Reporting Requirements	Wetlands Statutes and Information. (Link1) Threatened and Species at Risk. (Link1)	Link1 Link1 Section 175.6 Special Provisions (e) Any person who has been issued a license or permit pursuant to this Part consents to allow any authorized representative of the department access to enter upon his or her premises to conduct inspections for compliance with license or permit conditions or to take any action it deems necessary to stop or mitigate any threat to the health and welfare of fish or wildlife populations or the human population resulting from activities authorized pursuant to his or her license or permit. Section 182.11 Incidental take permit; specific application requirements Incidental take permit. The department may, at its discretion, issue a permit that authorizes the incidental take of a species listed as endangered or threatened in	Wetlands Rules Part 9.5 Individual Permit Review Standards (4) measures shall be designed to be self-sustaining following the period for which monitoring or management is required.	Not applicable.	Excavating and Dredging Permit; Certain Exemptions Part (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension. Wetlands: Env-Wt 806.02 Annual Monitoring Report. (a) The permittee on a project for which	Not applicable.	Wetlands C. Persistence. For restoration, enhancement and creation projects, on the basis of an updated functional assessment, a minimum of 85% of the compensation area must successfully replace the altered wetland's functions after a period of three years unless otherwise approved by the department. If this level is not achieved, or if evidence exists that the	Not applicable.

	Quebec	New York	Vermont		New Hampshire		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>Quebec Minister of Sustainable Development, Environment and the Fight against Climate Change</i>	<i>New York Department of Environmental Conservation</i>	<i>Vermont Department of Environmental Conservation</i>	<i>Vermont Fish and Wildlife Department</i>	<i>New Hampshire Department of Environmental Services</i>	<i>New Hampshire Fish and Game</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Fisheries and Wildlife</i>
		<p>this Part. An incidental take permit shall include an endangered or threatened species mitigation plan as described in subdivision (d) of this section that the department has determined will result in a net conservation benefit to the listed species and which has been approved by the department.</p> <p>(1) The measures the applicant will undertake to minimize and fully mitigate impacts to any species listed as endangered or threatened in this Part for which the incidental take permit application is being submitted. All proposed measures shall be capable of successful implementation, and shall be legally, technologically, economically and biologically practicable;</p> <p>(2) Data and information to ensure that the taking sought to be authorized by the incidental take permit will not reduce the likelihood of the survival or recovery of the species in New York;</p> <p>(3) A proposed method for monitoring the effectiveness of the plan; and</p> <p>(4) A description of the funding source, the level of funding, and the guarantee or assurance of funding that the applicant will provide to implement the endangered or threatened species mitigation plan including but not limited to bonds, insurance, or escrow.</p> <p>Nuisance Wildlife Control License: NY ENV 11.0524: Any person with a Nuisance Wildlife Control License shall submit annually a report to the department which specifies each client's name and address, the date work was performed, the species controlled, the abatement method used, the disposition of the animal, and any other information as required by the department.</p>			<p>mitigation includes wetlands restoration or creation, or both, shall submit an annual monitoring report to the department each year on the date specified in the permit for the time period specified in (b), below.</p> <p>(b) The annual monitoring report shall document that the hydrology of the mitigation site(s) is appropriate and the area has a 75% success rate of coverage of non-invasive hydrophytic vegetation after 3 full growing seasons following completion of the mitigation work or following additional remedial measures taken as identified in Env-Wt 806.03.</p>		<p>compensation site is becoming less effective, the department may require additional monitoring and corrective action, or additional wetland restoration, enhancement or creation in order to achieve the compensation ratio as originally approved.</p> <p>D. Monitoring. The applicant shall set forth a plan for interim reporting and remediation measures during monitoring of the restored or created wetland over a minimum of five years, which shall include contingency plans for replanting, contouring or other corrections if the project fails to meet project goals during that time.</p> <p>E. Maintenance. A compensation project that will naturally maintain itself without active intervention is preferred. However, the permittee may be required to conduct activities to assure continuation of the wetland, or the accomplishment of compensation goals, after a compensation project has been technically completed. Such activities may include, but are not limited to, water level manipulations and control of non-native plant species.</p>	

Table 25. Regulations – New Brunswick, Maine

	New Brunswick	Maine
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>New Brunswick Energy and Utilities Board</i>	<i>Maine Public Utilities Commission</i>
Applicable If	A utility proposes to construct and operate an electric project in New Brunswick.	A utility proposes to construct and operate an electric project in Maine.
Statute or Regulation	Energy and Utilities Board Act. Electricity Act.	Maine Revised Statutes Title 35-A Public Utilities. 5 MRSA 8001 Maine Administrative Procedure Act.
Regulated Activity	The New Brunswick Energy & Utilities Board regulates the electricity industry for the province.	The Maine Public Utilities Commission regulates electric utilities. If the construction project is proposed in a statutory corridor, then the Interagency Review Panel shall identify an initial range of value for the use of state-owned land or assets, establish and implement a regular process for soliciting, accepting and evaluating energy infrastructure proposals for use of a statutory corridor, and evaluate and render a decision on an energy infrastructure proposal pursuant to Sec. A-2. 35-A MRSA §122.
Application Procedure/Process	The Board requires applicants to file all evidence with the Board. Evidence required includes: <ul style="list-style-type: none"> • Witness statements • Exhibits • Studies • Financial information A pre-hearing conference is held to address: <ul style="list-style-type: none"> • Intervener status • Type of hearing • Language and timetable of hearing • Intervener witness and evidence • Service, delivery and filing of documents A public hearing is held and transcripts are posted to the Board website. The Board then submits a final order describing their decision and reasons supporting their decision.	Utilities must submit all necessary permit requirements before submitting an application for a Certificate of Public Convenience and Necessity (CPCN) to the Commission. The CPCN application must include: <ul style="list-style-type: none"> • Project summary and description • Procedural history of the project • Construction plans • Cost estimates and customer cost impacts • Project alternatives and costs • System reliability analysis • Project justification • Proof of public need Upon receiving the application, the Commission decides whether or not to hold a public hearing. The Commission’s presiding officer may hold prehearing conferences, require parties to file prehearing memoranda, and the officer may decide to issue a prehearing order. The Commission also reserves the right to consult advisory staff in order to settle discussions but all parties must be noticed and given the opportunity to attend the advisory session. After the review process, the Commission will make a final decision in written form and send that decision to all parties involved in the proceedings. 35-A MRSA §122: If the construction project is proposed in a statutory corridor, the project proposal is reviewed by the Interagency Review Panel pursuant to Sec. A-2. 35-A MRSA §122. If proposal is accepted, the panel may enter into negotiations with the potential developer who submitted the proposal regarding a long-term occupancy agreement with the State for the use of the statutory corridor, in accordance with 35-A MRSA §122 subsection E.
Public Notification	The Board requires that the applicant file the application and a Notice of Hearing in various news media. All Board orders are published on the Board website.	Notice of Proceeding, Notice of Hearing, and Notice of Decision are filed on the Commission’s website and available to the public. All Commission decisions are posted to the Commission’s website and available to the public. 35-A MRSA §122: If the construction project is proposed in a statutory corridor the panel shall provide public notice of the availability of the statutory corridor for energy infrastructure development, a description of the type of development anticipated in the statutory corridor and the opportunity for potential developers to submit proposals for use of the statutory corridor.
Public Involvement Requirements	The public can submit an application to become a formal or informal intervener and allowing them to submit information to the Applicant regarding application evidence and participate in the application process. There is a fee associated with all application submissions.	All meetings, public proceedings, and deliberative sessions of the Commission are open to the public. Members of the public petition to become an intervener that allows them to actively participate in the public hearing or present testimony as a public witness. Groups can petition to become parties to actively participate in the public hearing.
Additional Filing/Permitting Information	Not applicable.	All relevant federal and local permit applications must be submitted before submission of the CPCN application to the Commission. Some required permits included Clean Water Act, Section 404 permit as issued by the Army Corps of Engineers, the Site Location of Development Act permit, and the Natural Resources Protection Act permit. 35-A MRSA §122 subsection H: No later than February 1st of each year, the panel shall provide a written report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that documents the activities of and actions taken by the panel under this subsection during the previous calendar year.
Timing (high-level)	The notice of hearing must be available for public viewing for at least 20 days. The Board must publish its decision 30 days after it is made. After an order is made, any person has 60 days to file a request for a judicial review or 30 days to file a repeal.	A petition to reopen or reconsider a decision or order of the Commission must be made within 20 days from when the final decision or order was filed.

	New Brunswick	Maine
RESPONSIBLE AUTHORITY <i>Utilities Commission</i>	<i>New Brunswick Energy and Utilities Board</i>	<i>Maine Public Utilities Commission</i>
Lifetime for Permit or Authorization (if applicable)	Not applicable.	Not applicable.
Reporting Requirements	The Board is required to submit an annual report to the Minister.	Not applicable.
	New Brunswick	Maine
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>New Brunswick Environment and Local Government</i>	<i>No Applicable Agency</i>
Applicable If	A project that may have adverse environmental impacts must perform an Environmental Impact Assessment.	
Statute or Regulation	Environmental Impact Assessment Regulation (Regulation 87-83) Clean Environment Act	
Regulated Activity	Projects that Must be Registered Under EIA SCHEDULE A Undertakings Specifically all electric power generating facilities with a production rating of three megawatts or more; all electric power transmission lines exceeding sixty-nine thousand volts in capacity or five kilometres in length	
Application Procedure/Process	Guide The first step in the EIA process is registration. As required by Section 5(1) of the EIA Regulation individuals, private firms, or government agencies that propose certain undertakings in New Brunswick must formally register details of their proposals with the Department of Environment and Local Government. Section 5 (2) of Regulation 87-83 requires that proponents of the above noted projects deliver a completed registration form to the Minister. A registration document, completed in accordance with the detailed Registration Guide that has been prepared by the Department of Environment and Local Government is deemed to be the completed form.	
Public Notification	OC 87-558, section 9.1 (b) when the draft guidelines are prepared, give public notice of that fact (i) by publishing a notice in <i>The Royal Gazette</i> , and (ii) by such further means as he considers appropriate, (c) make copies of those draft guidelines available to the proponent and to the public on request, and (d) in the notice referred to in subparagraph (b)(i), and by such other means as he considers appropriate, invite representations concerning the draft guidelines, such representations to be received by the Minister no more than thirty days after the date on which notice is published in <i>The Royal Gazette</i> . OC 87-558, section 9(2): The Minister, in consultation with the review committee, shall consider any representations made to him concerning the draft guidelines, and shall, no more than sixty days after the date on which notice under subparagraph (1)(b)(i) was published in <i>The Royal Gazette</i> , issue to the proponent final guidelines relating to the substance, scope and conduct of the environmental impact assessment. Section 13. (b) announce by a notice in <i>The Royal Gazette</i> and by such other means as he considers appropriate the times and places at which the documents referred to in paragraph are available to the public, The Minister provides a period of 30 days for receipt of comments on the draft Guidelines. Once this input has been considered, the Minister will issue final Guidelines for the EIA to the proponent. This must be done within 60 days of releasing the draft Guidelines for public comment. Following receipt of the final Guidelines, the proponent must provide the Minister with Terms of Reference that describe in detail the approach that will be used by the proponent's study team during its investigations. Within 30 days of receiving the final Report from the proponent, the Minister releases the combined documentation (the final EIA report, the summary of the final EIA report and the General Review Statement) for public review and comment. The documentation is made available to the public at various places depending on the project location. At the same time, the date(s) and location(s) of one or more public meetings to discuss the EIA information are announced by the Minister through various media, including notification in the Royal Gazette.	
Public Involvement Requirements	Public Meetings At least one public meeting to discuss an EIA is held near the area where the project is being proposed. The purpose of the meeting is to provide all interested parties with an opportunity to make comments, raise concerns, or ask questions for clarification about any matter covered in the EIA report. Note that this meeting is in addition to any meetings that may have been held by the proponent during the Determination Review. Following such meetings, an additional period of fifteen days is set aside for members of the public to submit further written comments regarding the proposal. At the end of this period, a summary of public participation is prepared based on the written briefs submitted to the Minister, transcripts of public meetings, and any additional comments received following the final public meeting. This summary is released	

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

	New Brunswick		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Assessment Agencies</i>	<i>New Brunswick Environment and Local Government</i>		<i>No Applicable Agency</i>	
	publicly, and copies are sent to every identified person who participated in the public meeting. At the same time, the full package of EIA. Open and transparent public involvement is required for all registered projects. In order to fulfill the requirements of Section 6(1) of the EIA Regulation, the proponent must demonstrate that the affected public and other stakeholders have been given the opportunity to become involved in reviewing the project, and must indicate how the proponent has considered or addressed any resultant questions and concerns. The opportunity for public involvement benefits citizens most when they take an active role at an early stage in the process, and clearly articulate their specific questions or concerns. Additional information about public involvement during the Determination Review is included in Section 6.0 and Appendix C of the Registration Guide at the end of this booklet. Public meeting section 13. Section 14: A public meeting held pursuant to section 13 shall be chaired by a person or persons selected by the Minister, and the proceedings of the meeting shall be documented by means of a verbatim transcript. Section 15(1): After the holding of the public meeting, or the last public meeting if more than one, the Minister shall allow a period of fifteen days during which further representations may be made to him concerning the undertaking.			
Additional Filing/Permitting Information	Not applicable.			
Timing (high-level)	The Minister, where he has determined that the completion of an environmental impact assessment is required in relation to an undertaking, shall, within sixty days after the date on which that determination was made, (a) in consultation with the review committee, prepare draft guidelines relating to the substance, scope and conduct of the environmental impact assessment.			
Reporting Requirements	"As part of the information submitted at the time of registration, the proponent will typically make a commitment to implement a required mitigation activity...Examples of mitigation include but are not limited to...monitoring plans (pre-construction, during construction, or post-construction as applicable) aimed at verifying predicted impacts and confirming the effectiveness of mitigation measures..." "Note that if the proposed project is allowed to proceed, a condition will normally be attached requiring adherence to all obligations, commitments, monitoring, and mitigation measures presented in the registration document, as well as those identified in subsequent correspondence during the determination review."			
	New Brunswick		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>
Applicable If	This agency is responsible for issuing permits for development impacting wetlands and waterbodies.	This agency is responsible for the protection of rare fish, wildlife, and plants from development projects.	This agency is responsible for issuing permits for development impacting wetlands and waterbodies.	This agency is responsible for the protection of rare fish, wildlife, and plants from development projects.
Statute or Regulation	Clean Water Act Watercourse and Wetland Alteration Regulation (90-80) CWA1989 WWAR90	Species at Risk Act SARA	Natural Resources Protection Act (NRPA) 38 MRSA 480-B Section 305 Permit By Rule (PBR) 38MRSA MRS Title 38 Chapter 2 Subchapter A NRPA MRS Title 5, Part 18 Chapter 375, Subchapter 4.	Maine Endangered Species Act (MESA) Link
Regulated Activity	Any person intending to do work (construction, demolition, clearing land, landscaping, etc.) within 30 metres of a watercourse. Section 3(3), subsection (b.3): any activity that is carried out within thirty metres of a wetland or the banks of a watercourse and that would require the issue of an approval under the Water Quality Regulation - Clean Environment Act, if the persons are issued such an approval in relation to the activity before commencing the activity, if they comply with any terms and conditions to which the approval is subject and with the Act and regulations and if they complete the activity while the approval is valid.	Section 28(1) The prohibitions contained in subsections (2), (3) and (5) do not apply in respect of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species unless the regulations provide for their application. Section 28(2) No person shall kill, harm, harass or take any individual that is listed as an extirpated species, an endangered species or a threatened species. Section 28(3) No person shall possess, buy, sell or trade (a) an individual that is listed as an extirpated species, an endangered species or a threatened species, or (b) a part or a derivative of an individual that is listed as an extirpated species, an endangered species or a threatened species. Section 28(4) For the purposes of subsection (3), any animal, plant or thing that is represented to be an individual, or a part or derivative of an individual, of a wildlife species that is listed as an extirpated	The purpose of this section of the Natural Resources Protection Act (NRPA) provides, in part, that: "The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State." A permit is required when an "activity" will be:	A state agency or municipal government may not permit, license, fund or carry out projects that will: A. Significantly alter the habitat identified under section 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or C8ES B. Violate protection guidelines set forth in section 12804, subsection 3.

	New Brunswick		Maine	
RESPONSIBLE AUTHORITY <i>Environmental Protection Agencies by Subject Matter</i>	<i>New Brunswick Environment and Local Government</i>	<i>New Brunswick Natural Resources</i>	<i>Maine Department of Environmental Protection</i>	<i>Maine Department of Inland Fisheries and Wildlife</i>
		<p>species, an endangered species or a threatened species shall be deemed, in the absence of evidence to the contrary, to be such an individual or a part or derivative of such an individual.</p> <p>Section 28(5) No person shall attempt to do anything set out under subsection (2) or (3).</p> <p>Section 28(6) The prohibition regarding possession in subsection (3) does not apply to the Crown.</p> <p>Permit to possess</p> <p>Section 34(1) Despite any prohibitions under section 28, the Minister may issue a permit to a person to kill an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species, or to take or possess such an individual or any part or derivative of such an individual, if</p> <p>(a) the applicant or predecessor in title legally possessed the individual, or the part or derivative of the individual, before its wildlife species was listed,</p> <p>(b) the applicant is a member of a group that traditionally uses an individual, or a part or derivative of an individual, of the wildlife species for religious or ceremonial purposes, or</p> <p>(c) the individual, or the part or derivative of the individual, is required for scientific research, education or species recovery.</p> <p>Section 34(2) The Minister shall not issue a permit unless, in the opinion of the Minister, there is no reasonable alternative and killing the individual or taking or possessing the individual, or the part or derivative of the individual, will not put the wildlife species at further risk.</p> <p>Permit to engage in activity</p> <p>Section 35(1) Despite any prohibitions under section 28, the prohibitions in a habitat designation made under the regulations or the prohibitions in section 78, the Minister may issue a permit to a person to engage in an activity that would otherwise violate those prohibitions if the Minister is satisfied that</p> <p>(a) the activity is scientific research relating to the conservation of the wildlife species and is conducted by qualified persons,</p> <p>(b) the activity will benefit the wildlife species or is required to enhance its chance of survival in the wild, or</p> <p>(c) the activity will not jeopardize the survival or recovery of the wildlife species and will have only an incidental impact on the wildlife species.</p> <p>Section 35(2) The Minister shall not issue a permit for an activity referred to in subsection (1) unless the Minister is satisfied that</p> <p>(a) all reasonable alternatives to the activity that would reduce the impact on the wildlife species have been considered and the best solution has been adopted, and</p> <p>(b) all reasonable measures will be taken to minimize the impact of the activity on the wildlife species and its habitat.</p>	<ul style="list-style-type: none"> Located in, on or over any protected natural resource, or Located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland, or (B) certain freshwater wetlands. <p>An "activity" is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair or alteration of any permanent structure.</p> <p>Section 480-D. Standards:</p> <p>The department shall grant a permit upon proper application and upon such terms as it considers necessary to fulfill the purposes of this article. The department shall grant a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 1 to 11, except that when an activity requires a permit only because it is located in, on or over a community public water system primary protection area the department shall issue a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 2 and 5.</p> <p>Section 480-Q. Activities for which a permit is not required</p> <p>Subsection 16 Activities in Coastal Sand Dunes A. (1) Installation or repair of underground utility lines</p> <p>Section 487-A. Hazardous activities; transmission lines</p>	
Application Procedure/Process	Watercourse and Wetland Alteration Permit Application WWAPA Watercourse and Wetland Alteration Provisional Permits Link	Can't find information on permit application.	Permit By Rule Form Application MRS Title 38 Chapter 2 Subchapter A: The Environmental Protection Board prior to holding a hearing on an	For projects located partly or wholly within Essential Habitat as defined by 12 M.R.S.A. Section 12804-2 and this chapter, it is the responsibility of the state agency or municipality considering the permit or license application, or funding or carrying out the project, to obtain the RFPE

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			<p>application over which the board has assumed jurisdiction, the board shall ensure that the department and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application and that the applicant has had an opportunity to respond to those comments and requests.</p> <p>MRS Title 5, Part 18, Chapter 375.4 A public hearing will not be held until a request for a hearing is made under MSA Title 5 section 9052, subsection 1, paragraph A, or a hearing is set by the agency. If a public hearing is held, the proceedings will be conducted pursuant to MRS Title 5, Part 18 Chapter 375 Subchapter 4.</p> <p>MRS Title 5, Part 18 Chapter 375 Subchapter 4 9058: Every agency decision made at the conclusion of an adjudicatory proceeding shall be in writing or stated in the record, and shall include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision shall be delivered or promptly mailed to each party to the proceeding or his representative of record. Written notice of the party's rights to review or appeal of the decision within the agency or review of the decision by the courts, as the case may be, and of the action required and the time within which such action must be taken in order to exercise the right of review or appeal, shall be given to each party with the decision.</p>	<p>Department's review. The Department will provide forms entitled Request for Project Evaluation.</p> <p>Essential Habitat Review Process: MRS Title 12.13 Chapter 913, 10751: The commissioner shall furnish application blanks, licenses and permits in such form as the commissioner may designate. "Request For Project Evaluation" (MDIFW Form EHR4/03).</p>
Public Notification	<p>Section 16(1): At any time after an application has been submitted under this Regulation, the Minister may require the person submitting the application or the person on whose behalf the application is submitted to do any of or any combination of the following:</p> <p>(a) publish notice of the application in The Royal Gazette and in such newspaper as the Minister may require, including in the notice such details of the application as the Minister may require;</p> <p>(b) serve a copy of the notice of application upon such persons as the Minister may require;</p> <p>(c) attend at any public meeting arranged by the Minister; or</p> <p>(d) make submissions with respect to the application.</p> <p>Section (1), any person may file with the Minister a written objection to the issuance of the permit sought at any time within thirty days after the publication or service.</p>	<p>Permits published</p> <p>Section 41 The Minister shall publish without delay in the public registry all permits issued under paragraph 35(1)(c).</p>	<p>B. Notification.</p> <p>The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.</p> <p>MRS Title 5, Part 18 Chapter 375.4: Notice of the pending license application shall be provided 30 days next prior to the date of the expected date of an agency decision. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection1.</p> <p>When a hearing is required by the Constitution of Maine, the applicable law or by agency regulation or has been requested pursuant to subsection 1, notice of the hearing shall be provided 30 days next prior to the scheduled initial hearing. The notice shall be provided by mail to the parties specified in MRS Title 5.18.375.4. 9501-A subsection2.</p>	Not applicable.
Public Involvement Requirements	<p>Section 16(2) If publication or service of a notice of application is required under subsection (1), any person may file with the Minister a written objection to the issuance of the permit sought at any time within thirty days after the publication or service.</p>	Not applicable.	<p>MRS Title 38 Chapter 2 Subchapter A: The board shall review, may hold a hearing at its discretion on and may affirm, amend, reverse or remand to the commissioner for further proceedings for a final license or permit decisions made by the commissioner when a person aggrieved by a decision of the commissioner appeals that decision to the board within 30 days of the filing of the decision with the board staff. The board staff shall give written notice to persons that have asked to be notified of the Decision.</p> <p>MRS Title 5, Part 18 Chapter 375.4, 9054: If a public hearing is being</p>	<p>The department shall seek input from knowledgeable individuals or groups on each incidental take plan for endangered or threatened species.</p>

Regulatory Side-by-Side Governing Permitting of Cross-Border Electricity Transmission Facilities between the United States and Canada

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			held, On timely application made pursuant to agency rules, the agency conducting the proceedings shall allow any person showing that he is nor may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding, or any other agency of federal, state or local government, to intervene as a party to the proceeding.	
Additional Filing/Permitting Information	Not applicable.	Not applicable.	Not applicable.	Not applicable.
Timing (high-level)	Section 12.1(2): Within two weeks after receiving a notification form, the prescribed fee and all related copies and other documents and information under subsection (1), the Minister shall determine whether or not, in the opinion of the Minister, the planned watercourse or wetland alteration would or could pose a significant threat to the environment.	Not applicable.	By law, the commissioner of the DEP is annually required to set processing times on applications. Currently, permit-by-rules must be processed in no more than 14 days. Tier 1 wetland applications must be processed in 45 days and the Tier 2 applications are completed within the maximum of 90 days. Review times vary for the different types of general permits. The maximum processing time for most full NRPA applications is 120 calendar days, but most applications are processed in a shorter time period. If the project is unusually complex or there is a problem with the quality of an application, processing will occasionally take the maximum processing time.	Not applicable.
Lifetime for Permit or Authorization (if applicable)	Not applicable.	Term of permit Section 39A permit expires on the date stated in the permit.	The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.	Not applicable.
Reporting Requirements	Section 18: Inspectors may make periodic inspections of watercourse or wetland alterations.	Not applicable.	Wetlands C. Persistence. For restoration, enhancement and creation projects, on the basis of an updated functional assessment, a minimum of 85% of the compensation area must successfully replace the altered wetland's functions after a period of three years unless otherwise approved by the department. If this level is not achieved, or if evidence exists that the compensation site is becoming less effective, the department may require additional monitoring and corrective action, or additional wetland restoration, enhancement or creation in order to achieve the compensation ratio as originally approved. D. Monitoring. The applicant shall set forth a plan for interim reporting and remediation measures during monitoring of the restored or created wetland over a minimum of five years, which shall include contingency plans for replanting, contouring or other corrections if the project fails to meet project goals during that time. E. Maintenance. A compensation project that will naturally maintain itself without active intervention is preferred. However, the permittee may be required to conduct activities to assure continuation of the wetland, or the accomplishment of compensation goals, after a compensation project has been technically completed. Such activities may include, but are not limited to, water level manipulations and control of non-native plant species.	Not applicable.