Right of Way Magazine

An Anthology

ocial Ecology

A special collection of articles on the art and science of Social Ecology

As published by the International Right of Way Association

JAMES KENT ASSOCIATES
Global Cultural Analysts

IRWA
BUILDING A BETTER WORLD TOGETHER®

Introduction

Regardless of the size and scope of an infrastructure project, the citizens who live and work in the community are going to be impacted. But exactly how will they be impacted – and to what degree? Will they be forced to relocate? Will they lose their jobs? Will their cultural traditions be threatened?

People have a basic desire to predict, participate in and control their environment in a manner that enhances their lifestyle. If a new project is introduced into the community, residents may become fearful, especially if they haven't been engaged to understand how their community will be affected, or better, how the project can create local benefit. And when residents react out of fear, they may take whatever action is necessary to prevent a project from proceeding.

There is a scientific approach called Social Ecology that is based on concepts and practical approaches to understanding the "people factor" in right of way issues. It requires that project developers consider the needs, wants and traditions of a local community – before the project is finalized and officially launched. Social Ecology is guided by simple, common sense principles that apply not only to the right of way profession, but to everyday life as well. Get to know people. Treat them with dignity and respect.

This collection of articles and case studies recognize best practices within the field related to successful community engagement. They show what worked and what didn't work. They prove that collaboration cultivates mutual benefits. For a project to succeed, it's essential to get those who will be impacted by the project involved – early on. Listen to their concerns and provide them with facts. Ensure that they participate in the planning process. Talk to them in settings that are comfortable to them. People who are being asked for their input and opinions are not likely to form resistance groups or boycott a project.

IRWA is strengthening our profession by recognizing the necessity to address the changing citizen landscape on a long-term sustainable basis. By introducing members through these columns to the fact that there is a science of community, it becomes available for everyone to use in project development and management.

Barbara Billitzer
Publisher and Editor in Chief
Right of Way Magazine

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The People Factor

IRWA's Social Ecology Course shows how community engagement works to get new projects built

BY JAMES KENT AND KEVIN PREISTER

The evolution of IRWA's Social Ecology program shows a truly adaptive organization at work. For years, right of way professionals have recognized the need for new approaches to community engagement that would build project understanding and support in local communities, while expediting project implementation. Now that need has become a reality.

In November of last year, IRWA's Course 225, Social Ecology: Listening to Community was launched as a pilot program in Pablo, Montana. Developed as a collaborative effort between IRWA and the JKA Group, the course is designed to be an experiential hands-on learning experience. The best way to learn how to engage the community during the right of way acquisition process is to meet local residents and speak with them in informal settings. As such, this is the first course to integrate community fieldwork as a major component of an IRWA class.

TREAT PEOPLE WITH DIGNITY AND RESPECT

Social ecology is based on practical approaches to understanding the "people factor" in project planning. It requires that project developers understand the traditions, routine practices and lifestyles of a local area, and work to identify issues and opportunities from a citizen's perspective. If emerging issues can be resolved before a project is finalized, the community's support for the project will grow. Guided by

simple, common sense principles, the underlying theme of social ecology applies not only to the right of way profession, but to everyday life as well. Get to know people. Treat them with dignity and respect.

Over the years, the JKA Group has witnessed what happens when a new project is introduced into the community as a "done deal." The residents often react with fear, and fear is a powerful motivator. When residents have anxiety about what might happen in their community, they may take whatever action is necessary to prevent a project from moving forward. Conversely, people who are being asked for their input and opinions are not likely to form resistance groups or boycott a project. In other words, collaboration cultivates mutual benefits.

ESTABLISHING THE GOALS

Teaching the basic components of collaboration required that the JKA Group and IRWA formalize the techniques for creating positive community engagement. The goals of the course were therefore defined as follows:

- Create harmony between people and the project to foster mutual benefits
- Discover and understand human patterns that already exist in the community
- Actively listen to the issues and opportunities expressed by local residents. They understand their community best and know whether or not the project creates a benefit
- Visit local gathering places to get a firsthand glimpse of the impact your project may have on the community
- Develop proven solutions to help you mitigate potential issues

THE CLASSROOM EXPERIENCE

With 20 participants in the class, the first day was devoted to conceptual development, specifically what to look for when going out into the local community. This includes identifying the informal networks and establishing how issues can arise and take form. The first step is to find these informal networks and describe their daily routines.

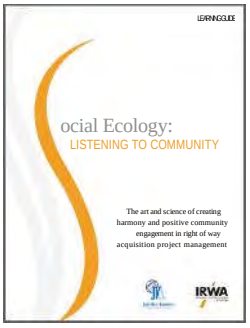
Within the local community, participants were asked to look for the following:

Communication Patterns – see who communicates with who, how communication occurs, who are the network archetypes, such as communicator and gatekeeper, and who has respect and trust within their networks.

Gathering Places – identify where people meet, routinely move information in the community and develop public positions about projects that impact the community.

Range of Citizen Issues – identify what issues may arise in the community regarding both community life and the project in question. Determine what stages the issues have already progressed through. Are the issues just emerging? Did they already exist? Have they become disruptive?

Opportunities for Responsive Management – ascertain whether the emerging issues can be resolved early and whether there are any win-win opportunities that integrate community interests with the interests of the project planners.



Right of Way Magazine began publishing social ecology articles in 2009. Since then, 18 more articles have followed and now comprise a Social Ecology Anthology that is used in the class.

Presenting a social ecology program at the 2013 Annual Conference. From left, Right of Way Magazine's Publisher/Editor-in-Chief Barbara Billizer, James Kent, Kevin Preister and Glenn Winfree, SR/WA, who is credited with bringing IRWA and the JKA Group together.

The US Highway 93 Bypass Rebuild Project, which passes through the Flathead Indian Reservation, was central to the class discussion. The course was held on-site at Mission Valley Power's training facility.

Leonard Twoteeth from the Confederated Salish and Kootenai Tribe Roads Program, and Patricia Compton of the Blackfeet Tribe brought unique perspective to the project discussion.

IRWA's Vice President of Professional Development Deidre Alves, M. Ed., championed the concept of bringing a social ecology course to fruition.

THE "TAKEAWAY" FIELD EXPERIENCE

On the second day of the course, after prepping the class participants about what to look for, they were asked to spend a few hours in the local community to observe, interact and reflect with residents. Upon returning from the field, each participant presented a physical, social and economic description of their experience. A series of exercises helped participants reflect on their learning and to develop strategies for "taking it home."

The class came away with these strategies:

1) We may already do some of these activities, but now we have a framework so that our efforts can be intentional and systematic.
2) Engage the community early while there is still flexibility in design and implementation.
3) Find the people that are well-regarded by others and engage them outside of formal settings.
4) Make sure you are addressing issues that can be resolved and are not trapped by those that cannot.
5) Ensure upper management buys into the approach and get project decision-makers involved early.
6) Look at measures that show the savings of time and money using a social ecology approach.
7) Incorporate a social risk assessment into the process during the project design phase.

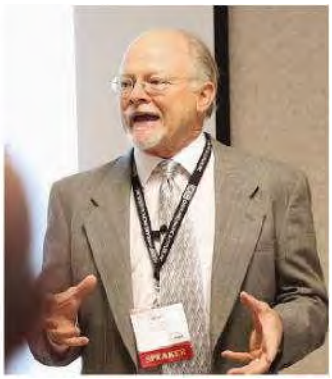
PUTTING THE TECHNIQUES INTO PRACTICE

The U.S. Highway 93 Bypass Rebuild Project, which passes through the Flathead Indian Reservation in Montana, provided a timely topic for participants to address with local residents. The stories they brought back were amazing—of life in the Flathead Valley, changes over time on the Reservation, and the project impact on community life. The positive evaluations from the class were testimony to benefits of including the people factor in right of way work. We believe the interactive nature of the workshop reconnected professionals to the humanity of their work—that people got into this work to serve others and to make things better—and that people who will be the most affected by right of way projects have to be included.

One of the participants, David Whitlock, SR/WA said, "I've lived in this community for 22 years, and I learned things today about my town that I never knew. It was an eye-opener." Another participant, Brad Thomas commented, "We always do this, but we always have our own agenda. When I was just observing and not trying to sell my point, I learned so much." And another summed it up this way, "I get it. Go slow now to go fast later."

Social ecology involves ways to include affected people that are comfortable for them, entering their environment, learning about their world, and getting their ideas, so that the final project not only addresses its technical goals, but strengthens community life as well. J

James Kent is a global social ecologist and educator who uses culture-based strategies to attain project success through improvements to community well-being.



An anthropologist and social ecology instructor, Kevin Preister helps corporations work with communities impacted by infrastructure projects.

A Grassroots Campaign

California residents band together to fight transmission line

BY ERIK TILKEMEIER

Public opposition can derail a project just as quickly as can the discovery of an endangered species following an environmental analysis. The reality is, no project developer would take on a project without analyzing the financial, environmental and construction risks, but few developers conduct a social risk analysis.

IN CALIFORNIA: CASE IN POINT

On July 11, 2013, the California Public Utilities Commission (CPUC) ruled that Southern California Edison (SCE) must underground a 3.5-mile segment of the 500kV Tehachapi Renewable Transmission Project (TRTP) through the city of Chino Hills, at an estimated cost of $224 million. The overhead alternative was estimated to cost $4 million.

This ruling occurred four years after the CPUC had granted a Certificate of Public Convenience and Necessity for the project, after SCE had already constructed 12 of 16 towers in the approved existing right of way and after a 20-month suspension of construction. The controversy over this 3.5-mile segment has held up a 173 mile, $2.1 billion transmission project.

"It's the dawn of a new era in transmission line planning in this state. In urban and suburban areas, we have to look anew at how we site transmission lines, and carefully weigh their role in fulfilling the state's energy goals against their impact on community values," said Michael Peevey, President of CPUC.

So what happened? SCE submitted their application in 2007, completed their environmental reviews, conducted their routine public hearings and were granted a permit in 2009. Everything should have been good to go, right?

To understand what led to this outcome, we need to back up to the Spring of 2007, when SCE held community open houses. The city of Chino Hills and a number of local residents opposed SCE's plan of constructing overhead lines in an existing 150-foot wide right of way that SCE had owned and utilized since 1941. The city argued for alternatives of routing the project through an adjacent state park, or undergrounding Segment 8A, the portion that fell within the city limits.

SCE prevailed in the formal process, and the CPUC approved the project in the fall of 2009. The city of Chino Hills filed a timely Application for Rehearing of the Decision, but the Commission did not act on it. The issues held by the community were unresolved—in National Environmental Policy Act (NEPA) terms, "productive harmony" had not been achieved. NEPA defines productive harmony as a "balance between man and nature." Lynton Caldwell, the author of NEPA, intended for there to be harmony between projects and the communities they impact.

While SCE had obtained formal regulatory permission to construct the overhead lines, they did not have a "social license" from the people impacted to continue. Nevertheless, with the legal permit in hand, SCE began construction in spring 2010.

Residents in Chino Hills persuaded the Public Utilities Commission to suspend construction and underground a 3.5 mile segment, causing $220 million in incremental legal and construction costs.

A GRASSROOTS CAMPAIGN GAINS MOMENTUM

The predictable uprising of residents whose concerns had not been adequately mitigated quickly followed. Upon returning from vacation in November 2010, Chino Hills resident Bob Goodwin encountered a new 200-foot tall transmission tower across the street from his home. It was far more imposing than what he envisioned from the project materials presented at the community open houses some four years prior. Soon thereafter, the project-opposing residents, now organized under the name Hope for the Hills, re-upped their efforts to fight the intrusion in their neighborhood.

Mounting a grassroots campaign to bring attention to their plight, Hope for the Hills used their neighborhood connections to influence the CPUC. Employing tactics ranging from mailing plastic dead rats to commissioners to represent the unknown health hazards, to sending contingents of citizens to every hearing clad in bright yellow branded T-shirts, Hope for the Hills was determined to sway the regulating body. Their objective was to get the commissioners to visit the site in person so they could witness the community's concerns firsthand.

When SCE erected towers in Chino Hills, the Federal Aviation Administration recommended that they modify portions of Segment 8 by installing marker balls on certain spans, installing lighting on several structures, and making specific engineering refinements. On October 17, 2011, SCE filed a Petition for Modification seeking "modification of the findings of fact, conclusions of law, and ordering paragraphs to account for the proposed FAA recommended changes." On October 28, 2011, Chino Hills also filed a Petition for Modification to reopen the record with regard to Segment 8, stating that the transmission structures had a "visual, economic, and societal impact far more significant than what the City or Commission envisioned at the time the Certificate of Public Convenience and Necessity was issued."

Hope for the Hills' persistence in persuading the Public Utilities Commissioners to visit the site paid off. On November 11, 2011, Michael Peevey, the Assigned Commissioner for the CPUC (who, coincidently, is a past President of Edison International) issued a ruling directing SCE to prepare alternatives to the routing of the portion of Section 8 that traverses Chino Hills. Construction was suspended.

On July 11, 2013, after 20 months of negotiations, hearings, and administrative law judge rulings, the CPUC directed SCE to underground the 3.5-mile segment in Chino Hills. It appears that the Commission had evolved their social ecological perspective and now placed greater emphasis on community and societal values than they had four years earlier.

One of SCE's primary arguments against undergrounding stems from the belief that ratepayers should not have to bear the additional cost for the benefit of the residents of Chino Hills. But SCE's legal costs, reengineering costs, costs of project delays, deconstruction costs, and possible responsibility for the $220 million in increased construction costs arising from this public opposition might have been avoided, had the utility taken a social ecological approach, engaging the community early on in the process.

“...the process saved them 10 years and tens of millions of dollars.”

WHEN THE RIGHT APPROACH WORKS

In contrast to the outcome of the TRTP/Chino Hills project, other projects have experienced success because they effectively engaged the community in the project planning and development phase. Rather than rely solely on the formal process and legal system, successful projects like those helmed by Holy Cross Energy and Windfarms Ltd show the benefits gained by putting in the time and effort to identify and truly understand the community issues with a commitment to resolving those issues in the planning and entitlement process.

Holy Cross Energy, an electric cooperative serving mountain communities in Colorado, constructed a seven-mile underground transmission line and substation to serve the resort community of Snowmass, Colorado. By engaging citizens in the planning process, Holy Cross not only permitted the project without opposition, but the residents of Snowmass concluded that it would not be fair for other co-op members

to be burdened with the cost associated with their desire to underground the transmission line. Snowmass community members actually created the formula for a surcharge on themselves and voted for its approval. The Holy Cross project manager stated that the process saved them 10 years and tens of millions of dollars. (For the complete story, see “The Holy Cross Energy Experience,” published in the July/August 2009 issue of Right of Way Magazine.)

Windfarms Ltd, an early developer of wind energy projects in Hawaii, obtained a permit for and constructed a wind farm at Kahuku Point on the island of Oahu without public opposition. This was the first project approved on Oahu with

full citizen support in over eight years. How did they do it? By engaging local citizens in an informal process to understand and resolve issues. That process revealed that viewsheds, noise and industrialization were not project-killing issues. These residents were primarily concerned with getting the developers to recognize their cultural heritage as expert kite flyers and ensuring there would be adequate safety during construction. With this knowledge, Windfarms Ltd proposed using local high school students to fly meteorological kites to assess wind conditions, and to have the turbine components shipped to the site via barge, rather than by truck on the narrow local roads. (For more details on this project, see “Overcoming Community Roadblocks,” published in the March/April 2010 issue of Right of Way Magazine.)

IT’S TIME TO USE WHAT WORKS

In today’s connected, information-rich environment, the old model that was based on designing, proposing and defending the development plan has become ineffective. Spending significant time and money on design and engineering, producing and presenting comprehensive proposals, and then defending that plan against any and all opposition is not only costly, it is also inefficient and unreliable. It also fails to create social capital, goodwill and transparency.

In contrast, an effective approach is based on learning about and engaging the residents, while showing them the benefits they will gain from the project. By understanding the local community’s culture and issues, and engaging the carriers of those issues to create solutions, the public can benefit by a sense of inclusion, predictability and ownership of the solution. Mobilizing the “moderate middle” with meaningful solutions to their issues disempowers the radical fringes and special

interest groups. Employing this process early in project planning stages saves time and money and generates goodwill. More importantly, the project proponents benefit from public support while minimizing the risk of litigation.

Social ecology is not public relations, nor is it a marketing strategy to put a positive spin on an ultimately negative impact. Rather, it is an effort to learn and understand the key challenges facing the residents within each of the impacted geographic areas and using that knowledge to resolve their issues. J

Erik Tilkemeier

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Surging Industries in Global Energy

Creating a new era in community engagement

BY JIM KENT AND KEVIN PREISTER

From alternatives to hydraulic fracturing, the current energy activity on several global fronts represents a new development classification.

The term, “surging industries” has taken root because of the speed at which these new activities are developing and the new challenges they are generating. Yet, many of these new energy projects are being located in geographic areas where the developer lacks any prior experience in dealing with the communities impacted by their project. When public resistance surfaces and opposition groups begin forming, many industry stakeholders blame the public.

Developers and those managing the project planning phase don’t realize that a faulty communication process is what often causes issues to escalate. As a result, stakeholder discussions often end up focused on a few selfish people who do not want the project in their backyards. This is to miss the crux of grassroots citizen activism taking place on a global scale.

Whether it is solar fields, wind farms, power line corridors or hydraulic fracturing, it is possible to prevent public opposition from forming. However, there must be a concerted effort to foster effective communications with the local community before the project plan is approved and the on-site work gets underway.

A social ecology approach to community engagement is a method that now represents emerging best practices in the industry.

One-Way Process Fosters Disruption

The management model that surging industries have been using is based on a traditional approach commonly used during the fossil fuels era. But those projects were different, as the energy providers had a long-standing historical context and benefitted from the cultural connection they had developed in their community relationships.

With past projects, there was an assumption that the more information given to the public, the more people will understand the importance of the project's contribution to the community. It was one-way communication, generally in the form of a public relations campaign to promote a project's merits. Company executives would conduct media interviews touting the benefits of their project from a corporate perspective, and emphasis was always placed on the projected job benefits. While that model may have been successful with fossil fuel production projects, it is totally inadequate for today's surging industries.

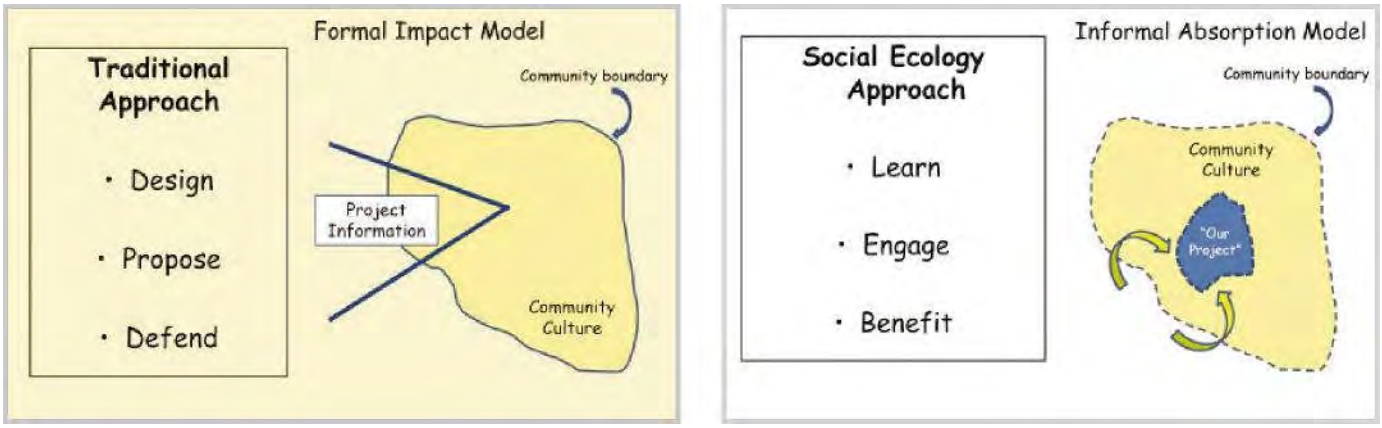
In the current environment, communities do not respond well to a one-way communication process, and it has little or no positive effect. The corporate presence is depicted as a wedge into the community, fostering disruption and mistrust. This has led to a growing resistance to this new class of energy developments.

Use of the old models of communication has proven ineffective, because projects are designed thousands of miles from where they will be built, and without interaction with residents who will be impacted. Management may send its right of way professionals to the site to deal with any obstacles that arise, but too often, they are faced with meeting an unrealistic timeline that has not taken into consideration the community process needed to create a more positive outcome. By this time, the project design has been finalized, and the on-site professionals have no authority to mitigate the project's local impact. When the project blows up in the form of public resistance, lawyers must then be activated to defend the project in often lengthy, expensive and debilitating confrontations.

Changing the Trend

Public expectations have shifted and community action has gone from passive to active. This is a dramatic and widespread trend that our company, the JKA Group, has been tracking globally for over 25 years. This shift has become a universal worldwide movement, and traditional communication techniques are no longer useful or tolerated in the international communities.

Hydraulic fracturing projects in Poland have generated anger and hostility among those impacted.



The old approach is depicted as a wedge into the community, fostering disruption and mistrust. The new model gives residents a voice and a sense of ownership, which in turns, gives the company a social license to operate.

Recently, hydraulic fracturing projects in Poland, a country that has never had such projects, have generated anger and hostility from people who live near the projects. Their complaint is that no one talked to them about what was going to happen. The developer, having secured federal government approval, surprised residents by just showing up and starting the drilling process. The company's initial response was that "they had a right to be there and drill because they had secured the permit." This kind of top-down approach breeds hostility and anger in the people subjected to this one-way decision process, and this sets the stage for protests. The resistance to these projects has become fierce, and it has attracted partners in the international anti-fracking movement, an action that could have been prevented with some care shown in the impacted communities.

The people in these Polish communities who have never before experienced energy development projects are now demanding that they have a voice in the decision-making process. This is not unlike what is happening around the world in countries like China, England, Canada, India and the United States, where social risk assessments are becoming a top priority.

Preventing Emerging Issues from Escalating

Community issues do not begin as uncontrollable events that are guaranteed to stop projects. Instead, they emerge as legitimate questions that citizens everywhere have regarding a proposed project. It's not that the local community has formed a steadfast opinion. Rather, people are simply seeking answers to the most basic questions. Some of these include: What will this project do to my property value? Will it increase traffic? How will it impact air and water quality? How many people will be hired locally? Will the project enhance the growth of local businesses? Will community-based training programs or college curriculums be offered to prepare our citizens and youth for employment and advancement opportunities? Will the company ensure local benefits from the project such as reduced electric rates? Will there be assistance for establishing businesses to service the project?

When these kinds of basic questions are not addressed, they can easily escalate from emerging issues to actual ones. At this point, people have formed their own opinions, and the community dialogue changes from seeking information to developing positions. The questions turn to negative statements, such as, "This project will ruin our property values. The traffic and noise from this project will be unbearable. Children and seniors with asthma will suffer, and the incidence of cancer will increase. They will not be contracting or hiring locally. Local businesses will not benefit from this project and may actually lose revenue. The skills necessary for employment are beyond most of our citizens. The company just wants to exploit our community for profits."

As one might expect, if the actual issues are not addressed effectively, things will only become worse. Community opposition is often joined by opportunistic ideological groups, followed by political positioning. The project gets polarized, and the opposition quickly moves into a disruptive stage. By this point, the project proponent has virtually lost the ability to resolve the individual and community issues. The issues that could have been resolved had the citizens been engaged in the early phases are taken over by outside forces who do not want any development, any time, any place, anywhere.

Understanding the Community

An approach is emerging as the new paradigm for surging industries. It's based on using a scientific research process to gain a better understanding of the communities impacted by a project. The social ecology approach focuses on learning about the community first, before a project is in final design. What are the beliefs, traditions, attitudes, and existing issues that are present in the community? How were past conflicts handled? What are the community traditions for making decisions? This approach engages residents through informal face-to-face interactions and through understanding how the community can benefit from the project, based on residents' rights

and responsibilities regarding their social, physical, biological and economic environments.

The project proponents have the ability, if they so chose, to act in a manner that allows their project to be accepted into the community. With intentional efforts to optimize local social and economic benefits of the project, not as an abstraction of "jobs," but through real dialogue where residents participate in addressing design and implementation challenges, the company is given a social license to operate.

The moment of victory occurs when residents start publicly referring to "our project," or make comments like, "We've worked hard to make this project a good one." Without the social license, the new surging industries will be no better off in securing project approval and celebration than their counterparts using the old method.

How do project managers trained in the technologies of the traditional industries begin to understand the social and cultural parameters of the decision making space needed in the surging era? One way is to recognize that communities are living organisms made up of component parts—not a static one-dimensional response mechanism for project approvals. Understanding how the components work together to shape and influence the entire community is critical to project success.

A Sense of Well-Being

All communities have a social ecosystem made up of three interacting elements that collectively form a community's sense of well being. These include choice, security and predictability. To the degree that a project can contribute to strengthening these three elements, there is the opportunity to have the project accepted into the community as a functioning part of the social ecosystem. To the degree that the project threatens these elements is the degree that the community will organize to protect their sense of well-being from intrusion. This reaction is often expressed by rejecting the intrusion through direct action, often demonstrated through community organizing and political opposition.

Every community will define their sense of well-being differently based on their social ecology. For example, one community may have a high tolerance for social risk based on its history and traditions, while another may have a low threshold for social risk based on past failures experienced with previous ventures. In any case, it is critical for surging industries to deliberately work at making communities full and equal partners in their ventures.

Putting Best Practices into Practice

Once developers recognize that communities are complex social ecosystems, ideological opposition can be methodically diffused or avoided altogether. This requires dealing with the "feeder system" that gives life to formal opposition - the unresolved issues of everyday people just trying to make their lives better. In short, ideological groups take advantage of unresolved citizen issues for their political agendas. If issues get resolved, there can be no agenda.

There are two important keys to making social ecology work effectively. It must be used at the very beginning of a project, and it must have parity with the other disciplines in tactical and strategic project decision-making. This approach takes more time on the front end of projects. Nevertheless, the trade-off is that the approach reduces the time and cost of responding to community-driven disruptive issues that need not have occurred in the first place.

It is up to the surging industries to prevent the proliferation of formal opposition groups to these new and intensified energy projects. They can do this by recognizing that a social ecological approach to community engagement is available and represents emerging best practices in the industry.

The authors wish to acknowledge Glenn Winfree, SR/WA, R/W-EC, Chair of IRWA's International Utilities Committee, for his leadership and support in ensuring these community-based outreach programs are applicable to the right of way professional.

Jim Kent

President of JKA Group, Jim is a global social ecologist and an advocate for using culture-based strategies when introducing site/corridor projects to local communities. With more than 30 years of experience, Jim is recognized globally for using innovative strategies to prevent disruption and public opposition by crafting empowered partnerships between corporations, communities and governments. Contact jkent@jkagroup.com

Kevin Preister

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The Social Risk

When citizens organize to fight a project

BY JIM KENT

Those who are responsible for permitting site specific or linear facilities are well aware that, in today's environment of regulatory requirements, polarized politics and litigation, citizen opposition to proposed projects can be daunting. Determined citizens have successful track records of delaying projects, driving up costs, and blocking projects that are technically sound and necessary. To relegate the causes of citizen opposition to a few selfish people who do not want the project in their backyards is to miss the crux of grassroots citizen activism, as China has just recognized with a major policy announcement.

At China's 18th Party Congress in November 2012, the State Council ordered that all major industrial projects must complete a "social risk assessment with stated project impact mitigation schedules" before any project can begin. This move at the highest levels of government is aimed at addressing large, increasingly violent and geographically dispersed environmental protests of the last several years. The announcement was made because of the concern that, if the underlying causes of these protests are not addressed, they have the potential to bring the government down. Zhou Shengxian, the Environmental Minister, said at the news conference, "No major projects can be launched without social risk evaluations. By doing so, I hope we can reduce the number of mass incidents in the future."

Just in the last two weeks of October 2012, violent protests forced the suspension of plans to expand a chemical plant, and protests occurred in every region of China against industrial projects that have been at the core of its economic boom. The promise of jobs and rising incomes is being checkmated by the rising tide of young and middle class Chinese who are fearful that new factories, power line corridors and pipelines are causing environmental damage. Environmental concerns trump the promise of jobs for the first time in China's march to industrialization at all costs. Sound familiar? Does the Keystone XL pipeline come

to mind, where the demonstrations against TransCanada continue at the national, regional and local levels? There are now over 400 energy-related opposition groups in the United States and 2,000 internationally that are tied together by wireless technology and informal networking who are interrupting and stopping projects across the country.

By virtue of their long-standing practices, companies that are building new infrastructure may, in fact, actually be facilitating more opportunities for the local community to organize. As third party activist groups are able to fine-tune their efforts against projects in general, they become increasingly more likely to take over control of local issues and impede projects, regardless of the benefits to the community. In essence, project owners may be enabling and encouraging the opposition.

Other protests include those against hydraulic fracturing in New York, Pennsylvania, Wisconsin and several other states. Another contentious project is the Atlantic Wind Connection power line that is potentially coming on shore at Assateague Island, a national seashore site that spans across the states of Maryland and Virginia. And on Molokai, the fifth largest island in Hawaii, the Big Wind project is being held hostage by angry citizens.

The Missing Link

What is missing in the approach to communities in the path of projects that have launched such angry protests here in the United States? At the World Gas Conference in Kuala Lumpur in June 2012, CEOs from ExxonMobil, Shell and Total all addressed the importance of public acceptance in their speeches. Christophe de Margerie, CEO of Total said, "I believe stakeholders will be the main drivers of change. Our business is not sustainable if we are not responsible operators, accepted by all stakeholders, including civil society."

In his keynote address to the conference, ExxonMobil's Rex Tillerson said that his company learned in North America about "the importance of open communication with government leaders at all levels as well as local communities." This announcement is quite a cultural shift for a company like ExxonMobil, and reflects a growing concern nationally that the old ways of centralized project development of plan, design, and build—absent community engagement—is a surefire way of generating citizen opposition and project disaster.

A crucial step that the United States took to avoid the situation that China is now addressing was passing the National Environmental Policy and Environment Act of 1969 (NEPA). NEPA is our national law designed to address anticipated citizen resistance to projects that intrude into people's physical, social and cultural environments. Companies are often surprised to learn that NEPA requires a thorough social impact assessment and mitigation program along with the physical environmental studies. However, this social requirement has all but been lost in NEPA studies. Yet, it is exactly this neglected requirement where a company can actually learn what the real community issues are, and what they can do to address them from the very beginning of a project and throughout the project's life. Companies that are involved with federal agencies must insist that, thorough social assessments and impact mitigation, requirements are met under NEPA.

At the World Gas Conference in June 2012, ExxonMobil CEO Rex Tillerson addressed the importance of open communication with leaders at all levels as well as local communities.

However, with or without adequate NEPA implementation, it is time for companies to protect their investment by developing and staffing their own independent team of professionals skilled in the science of community. By addressing community-related issues that cause excess budget over-runs and project schedule delays, the team would be responsible for understanding the community's concerns and taking a proactive approach to preventing project disruption by assisting citizens to participate in, predict and control their environment.

The social risk has become too great to not formally recognize and systematically act upon the underlying causes of how and why citizens go from potential healthy participation to organizing to fight a project. Regardless of whether the project is on public or private land, today's projects require and deserve this level of attention.

Jim Kent

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Saving FAST TRACK

Alternative Energy Futures at Stake

BY JAMES A. KENT AND JOHN RYAN

Is your project on a fast track? What does that even mean, and how can it be beneficial to your organization in the long run?

To streamline the federal land approval process that is being used for alternative energy projects, the U.S. Department of Interior (DOI) created a new expedited approval process for developing renewable energy across six Southwestern states. Fast-track projects are those where the companies involved have demonstrated to the Bureau of Land Management (BLM) that they have made sufficient progress to formally start the environmental review and public participation process. However, an unintended consequence of this streamlined procedure can be a deterioration of landowner relations and geographic-based communities of interest. By understanding the social forces at play, it is possible to prevent a negative outcome.

Priority Status

In diversifying the nation's energy portfolio, the BLM has continued its work on environmentally responsible development of utility-scale renewable energy projects on public lands. In 2012, the BLM gave priority status to 17 projects, comprised of nine solar, six wind and two geothermal. The BLM developed this priority list in collaboration with the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service and the National Park Service, with an emphasis on early consultation.

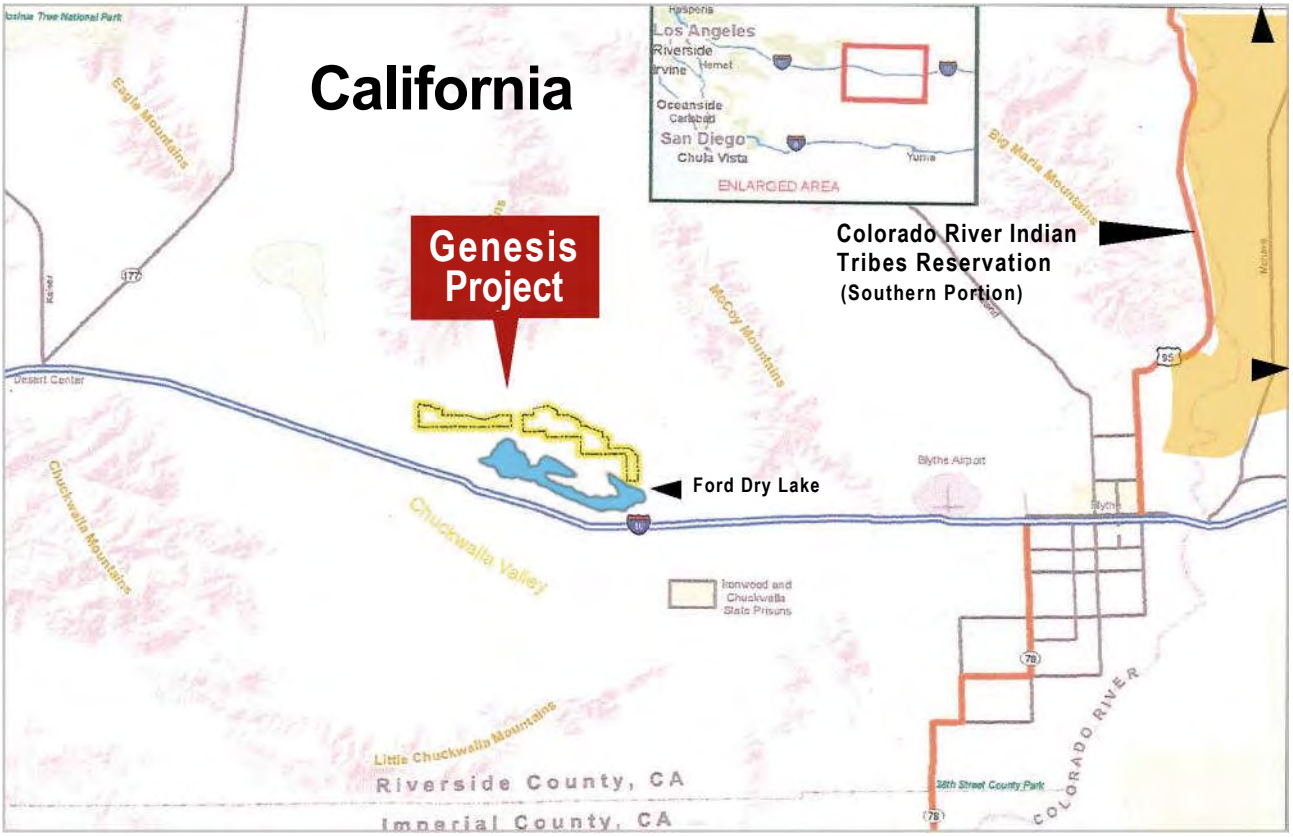
The 2012 priority projects were selected based on a variety of criteria, including progress of the necessary public participation and environmental analysis under the National Environmental Policy Act (NEPA) and applicable state environmental laws. The BLM also used the screening criteria for prioritizing the solar and wind projects on that list.

On the DOI side, the process is intended to reduce the amount of time needed for alternative energy permit approvals and refocus existing resources on a select number of projects to be fast tracked. On the developer's side, the benefit of fast track projects is that they come with federal loan guarantees along with promises of swift approvals designed to get alternative energy up and running. Private capital has poured into these alternative energy projects because they are perceived as safe investments. Developers continue working on plans for solar and wind projects. However, in recent months, some alarming setbacks have occurred, and the fast track program is now at risk.

Threats to the Fast Track Process

When applying the fast track formula, an important step is to analyze the potential impacts that projects may have on local residents and their environment. This is especially true with the Native American southwest desert tribes, many tracing their ancestry back 12,000 years on the very land now in question. In recent months, implementation of several projects hit a cultural wall, with several tribes reacting to how their issues and concerns have not been a consideration during the approval process.

The conflict deepens. Almost weekly, a new lawsuit is brought against the fast track projects by the various tribes for spiritual violation of sacred places and lands. At this time, the federal agency and the developers are attempting to change course to incorporate the various tribal cultures into the short and long term plans that fast tracking has created concerning their tribal ancestral lands.



The Genesis Solar Project site is 30 miles west of the 264,000-acre Colorado River Indian Tribes Reservation. The 1,700 acre site is adjacent to Ford Dry Lake, an ancient lake bed that is used as a spiritual site by tribes in the area and within the CRIT ancestral homelands.

In recent months, the Colorado River Indian Tribes (CRIT) launched a major attack on the Genesis Solar Energy Development Project (see map) where Tribal Council Chairman Eldred Enas said, "Tens of thousands of acres of land within the ancestral homelands of the CRIT people are being destroyed." As a federally-recognized tribal group with sovereignty over a 264,000-acre reservation, the Colorado tribes were offended that the BLM approved Genesis before holding "nation-to-nation" consultations with them.

It is unfortunate that a process with so much hope has created such a heart-felt backlash from these southwest tribes. But the fact is the Native American tribes perceive the process to be intrusive, disruptive and disempowering. This creates a major impact on goodwill and becomes costly in financial terms to the development companies, the government agencies involved and the tribes. If we expect these projects to produce alternative energy, it is critical to understand what is happening and why so that the fast tracking process can be revised accordingly.

Genesis Project Setbacks

The approval process used in the $1 billion Genesis project, located 200 miles east of Los Angeles, illustrates how the current situation has evolved. The BLM Field Offices are known for their collaborative face-to-face, hands-on decision-making management system. The BLM, as the owner/custodian of these ancestral homelands, has in the past been respectful of the tribes' cultural relationship to these lands. However, in the current situation with the CRIT, it appears that the expedited procedure led the BLM to venture outside their traditional management framework. A speedy approval became the objective, and maintaining the relationships with tribal members became secondary.

Although 17 projects were selected for the Fast Track program, there are 40 proposed projects within a 50-mile radius of the CRIT, and all fall within the ancestral homelands boundary that the tribes consider part of their geographic spiritual territory. Given the time constraints to review these projects and the tribes' limited resources, conflict arose when the BLM approvals did not include timely cultural input from the tribes.

Soon, other problems emerged. The BLM relied heavily on information provided by the developer's archeologists in determining where to place the first priority wind and solar projects on BLM land. But the studies proved to be problematic, and before long, cultural artifacts not accounted for in the original studies were discovered. The tribes then sued to bring this project to a halt using the powerful Native American Graves Protection and Repatriation Act (NAGPRA).

Cultural Attachment

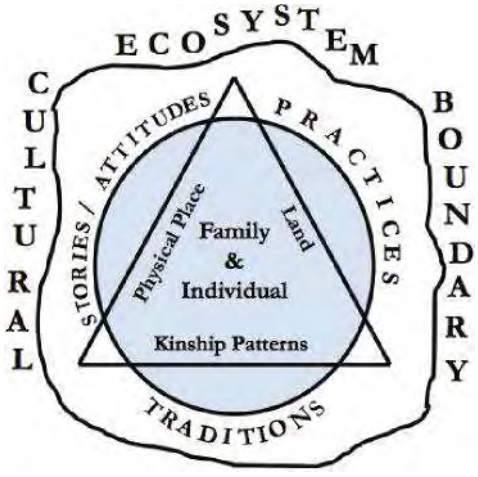
To best address this crisis from expanding, the tribal way of life has to be recognized and integrated into the decision-making arena. When new projects are planned anywhere near tribal land, the affected tribes must be engaged in the initial project planning phases so future issues can be avoided.

To fulfill the social assessment and social impact mitigation requirement under NEPA, a concept called cultural attachment can be helpful to frame how to work with the tribes.

Cultural attachment recognizes that there is a collection of traditions, attitudes, practices and stories that accumulate and tie a person or a group of people directly to their land. People who form these attachments to their land will typically have a deeply embedded, inherited knowledge of the boundaries of that physical area to which they are culturally attached. The CRIT Tribal Chairman refers to this land as their "ancestral homelands."

A cultural boundary is not a formally-defined boundary in legal terms. It is a sense of place that has special meaning because of ancestral connections over generations. For instance, the cultural boundary of the CRIT is much larger in scope and territory than the reservation boundary or transmission corridor boundary lines drawn by project engineers.

The CRIT is comprised of four Native American Tribes, including the Mohave, Chemehuevi, Hopi and Navajo. The illustration below indicates that, over the years from the first CRIT settlement onward (thousands of years in this case), a "cultural ecosystem boundary" developed that serves as an organic membrane within which family, land and kinship patterns operate with defined practices, traditions and belief systems.



Intrusions

The Genesis Project revealed some flaws in the project planning phase when Mother Nature uncovered what was missed in the initial archaeological surveys conducted. Apparently the project site was several miles from a Native American cremation site, and earlier this year, several human remains were found. Not realizing that the Genesis Project operates within a much more extensive culturally defined geographic area of the CRIT, a California Edison spokesperson declared that, "Since the human remains found March 2nd and 3rd were outside of Edison's project boundary lines, no rerouting is necessary." While the human remains may have been outside of the technical boundary lines drawn by Edison, they were nonetheless located within the larger cultural boundary (ancestral homelands) of the tribe.

Sub-areas, such as alternative energy sites and power line corridors within a cultural boundary are perceived by the tribe as inseparable from the spirit world that their cultural attachment represents. Therefore, these sub-areas are seen as intrusions into their ability to predict and control their everyday life. For any energy development project to become acceptable to the tribe, it must become integrated into the CRIT culture. In this case, the fast track project runs straight into the cultural attachment world of the CRIT.

Does Haste Make Waste?

The answer for some is yes. One developer has stated that if it were up to him, they would revert back to the traditional way of doing business with the BLM and the tribes. He stated, "With the old process, it would take about four years to get a project approved, but with the fast track, it may take seven or eight years to get approval. I have come to hate the words expedite, streamline, rush, fast track—they should be taken out of the approval process language."

In short, going slow to go fast is his suggestion for making sure that all of the key issues are uncovered at the front end of his projects, no matter how long it takes, instead of being ambushed after investments are made and construction has started.

Creating a Fresh Start

It may be late in the game, and difficult times lie ahead, but efforts should still be made to bridge the relationship among the BLM, the tribe and the Genesis Project. The fast track that caused this serious conflict with Native Americans can be modified for success. It requires that, with future projects, the impacted tribes are at the table right from the beginning.

Fort Mojave Indian Tribe leaders Nora McDowell, left, and Linda Otero are working with the Colorado River Indian Tribes (CRIT) in opposing the Genesis project. The CRIT believe that the transmission line corridor has disrupted their relationship with the land and the peace of their ancestors.

There are three procedural undertakings that will not only ensure the fast track process can be successful, but they will also become useful in meeting the social impact requirements of NEPA regulations.

1) Engage the Tribe with a Shared Vision

The CRIT clearly believes in an alternative energy future. It is part of their spirit world that the earth should be taken care of, healed and made whole. Alternative energy is one piece that helps accomplish this local and world vision.

The tribe's desire to participate in the decisions made about their land, their spirit world and alternative energy has been neglected by the government and the energy developers in an attempt to expedite the projects. But appropriate procedures are necessary to operate within the cultural attachment concept. They come in the form of collaboration, the timely, consistent and frequent information and knowledge exchange on specific issues, as well as nation-to-nation consultation in respect for tribal sovereignty.

Yet, because the CRIT were treated as mere recipients of the decisions already made, their current lack of impact consultation in the social and cultural arena has put the fast track process at needless risk.

2) Find Cultural Interpreters within the Tribe

It is essential that cultural interpreters, generally a respected elder outside the formal tribal political system, be sought and given a prominent function to ensure everyone involved

understands precisely what the tribes are communicating, as well as what the agency and developer are trying to communicate. Cultural interpreters work to bridge the gap between the formal system and the cultural attachment process.

For instance, when the agency made an offer to the give tribes loans and tax credits, no one in the DOI realized that loans and credits did not translate into any meaningful concept for the CRIT. In fact, what was offered had little to do with the tribe's real cultural interests.

During a 20-year relationship, JKA has assisted the BLM in Resource Management Plans in eight district offices and conducted community assessment and issue management projects in multiple states. Social ecology instructors helped develop and implement training courses for the BLM's National Training Center in Phoenix for more than 75 different communities. In 1995, the BLM signed a 30-year license to use JKA's unique human geographic mapping system, now in use in over 15 districts.

A cultural interpreter would have picked up on this and advised the carrier of the "loan and credit" message to discuss something that had meaning to the tribe. The cultural interpreter, knowing what is important to the CRIT, could have suggested how the project would assist tribal members in starting their own businesses related to alternative energy and its development. Since the CRITs are heavily invested in the future of their youth, they would have responded positively to an offer to assist in developing a local two or four year college curriculum, giving the tribal youth the opportunity to prepare for careers in alternative energy. This discussion by the DOI's well intentioned professional would have given the tribes a beginning sense of collaboration toward the tribe's interest in improving the well-being of their members and providing meaningful education and career opportunities for their youth.

3) Conduct Issue Management

Another potential solution for the developer would be to engage social ecological consultants to work with the CRIT on their behalf. These professionals are skilled in identifying emerging and disruptive issues that currently exist in the tribe and can uncover potential hurdles that may be created by the project. Just as energy developers form teams to address a project's physical aspects, teams should be formed to address the social and cultural aspects at the same time. In fact, if the social assessment and impact mitigation section of NEPA had been properly undertaken, many of the issues that now face the BLM, the developer and the tribes would have been identified and resolved. These social and cultural impact teams can be fielded at the project's front end by developing appropriate pathways for tribal participation that gives them the respect of being heard on the decisions that will affect them.

Implications to Alternative Energy Projects

As we focus forward on new projects, it's essential that tribes have some reasonable prospect of emerging with their ancestral lands and spiritual life intact, in a realigned political, social, cultural and economic environment that benefits them directly. Our alternative energy future hinges on a new understanding of these realities. Although the difficulties encountered with these early fast track projects on BLM lands are the focus of this article, the same general principles advocated here for approaching impacts on local tribal residents apply to any energy development project anywhere in which risk management is employed.

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Working Constructively with Concerned Citizens

As an industry, can we do a better job of fostering acceptance of our proposed projects?

BY JAMES A. KENT

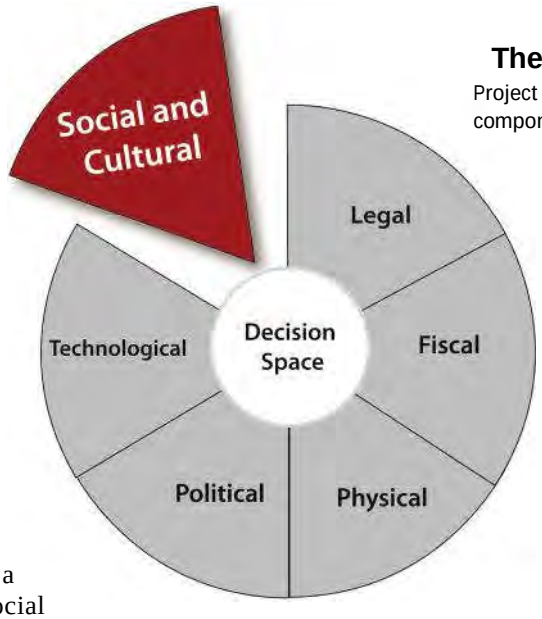
Opposition to nearly every type of energy expansion is growing at exponential rates. From oil and gas drilling to hydraulic fracturing, citizens and communities everywhere are saying no.

Today, there are literally hundreds of wind and pipeline opposition groups in the United States alone. If the current pace and expansion of these groups keeps up, there will be little room for energy development at any time anywhere. This epidemic of opposition has far-reaching consequences both in the short and long term. While a company's reputation and bottom line is clearly at stake, the impacted community senses an imminent threat to their ecological, economic and social well-being. These issues are further compounded when the government, faced with project opposition during the permitting process, has to weigh both sides and finds it difficult to make a conscientious decision.

GETTING TO YES

When projects are introduced to communities without warning or input from the local citizens, a strong reaction often follows. People will band together with anyone else who feels marginalized by the process, and before long, opposition materializes and a battle ensues.

For the most part, companies fail to recognize that landowners are part of a larger geographic community with a unique social structure. The typical negotiations process is approached in a singular fashion, where each landowner is contacted individually to discuss purchasing or leasing the rights of way. Unfortunately, it is this singular approach that has spurred the exponential growth of project opposition. Each one of these formally organized groups started as an individual or small group who opposed a site-specific project. Why? Because the project's proponents did not fully understand and embrace the social and cultural elements at play.



The Decision-Making Components
Project opposition can be diffused if the social/cultural component is addressed early on in the process.

Whether we choose to admit it or not, project proponents are often creating their own hurdles on the ground, where the projects need to be accepted, approved, permitted and built. An alternative approach has worked wonders in generating project acceptance. If a project team understands the social and cultural traditions and beliefs of a community, collaborates with the members of a community, considers and respects their concerns and the impact a new project will have on their sense of well-being, opposition is reduced, and the chances of project success increase.

CO-OP STRATEGY WORKS

In rural America, for example, the concept of a cooperative system has been around for centuries. Farmers have cooperated on buying seeds, harvesting, selling products, breeding cattle and other common activities. Co-ops are a cultural phenomenon and can be used effectively when negotiating sites or rights of way.

In central Wyoming, when land acquisition agents for a wind company approached individual ranchers to negotiate land for wind turbine locations, the ranchers had a better idea. They requested an organized co-op to ensure that their cultural respect for common equity would be honored. The ranchers negotiated on behalf of everyone so that, regardless of where the turbines were located, all of the ranchers shared equally in the financial benefits. Rather than risk the outcome where one rancher might benefit while 14 opposed the project, in this instance, there were 15 ranchers who unanimously embraced the project.

WHERE TO BEGIN

Looking at what's involved in the decision space is a good place to start. Decision space is typically comprised of six interrelated elements: technological, legal, fiscal, physical, political and social/cultural. The dynamic interaction of the six elements defines the space available for executives to make decisions. Pressure on any one of the six elements constrains the decision space. Often, only five of the elements are considered when project teams are first assembled.

What is often missing at this critical juncture is the social/cultural component. More specifically, establishing the prevailing traditions and beliefs is crucial, as well as identifying which changes the project can resolve, knowing what issues are legitimate and which ones the citizens will initially fight. This neglected area is what causes a serious gap within a company's development strategy, and this oversight has led to the growing opposition movement we face today.

From my vantage point, it's essential that, as an industry, we proactively address the social and cultural perspective so we can prevent unnecessary threats to a community's sense of well-being, thereby reducing the breadth, depth, and intensity of opposition from forming every time a new project is announced.

Project team members will have to learn new skills and expand on their old strategies. Specialists in community dynamics, social and cultural interaction, citizen issue resolution, and others who are skilled in citizen-based approaches should be included when project teams are formed.

Equally important, proactive leadership strategies should be developed for the right of way industry so that we can ensure that a consistent system rooted in mutual respect, trust and benefit is in place for collaborating with citizens of every community that will be impacted by our projects. If we hope to change this unfortunate trajectory of oppositional growth, it is our responsibility to develop professional standards that recognize the legitimacy of not just citizen issues, but also designing projects to ensure positive community benefit and growth.

Opposition forms because individuals within communities feel the need to protect themselves, their families and their neighbors from intrusions into their environment. However, when local citizens and landowners are engaged in meaningful ways that respect their concerns and protect the dignity of their traditions, beliefs and ways of life, then the odds of attaining project acceptance increase significantly.

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THE PROMISE AND PERIL OF CORRIDOR EXPANSION

A proven method for avoiding self-inflicted project opposition

BY JAMES A. KENT

In the coming decade, we will see corridor right of way issues expand at an exponential rate. This will be driven by the alternative energy movement to supplement fossil fuels with renewable energy, and the need to improve reliability and upgrade aging infrastructure. To say that new corridors are needed would be an understatement.

On October 6, 2011, the Obama administration announced it would accelerate the permitting and construction of seven proposed electric transmission lines on federal lands. This move, according to the press release, is specifically focused on "transforming the nation's electric system into a modern 21st century grid that is safer and more secure, and gives consumers more energy choices." In a separate action on October 31st, the administration identified 17 sites within six western states as ideal candidates for solar energy projects on public lands, all of which will need transmission corridors in this decade to distribute the power.

OLD STRATEGIES NO LONGER WORK

The means through which transmission corridor development occurs is often a contentious one. That's because it's based on the old top-down approach, where decisions are made at the upper management level without any input from those in the field who will be tasked with executing the plan. Unfortunately, this corridor management approach has proven to be very costly in terms of lost time, dollars and goodwill.

IF THE COMPANY HAD HAD ANY CLUE WE WOULD HAVE UNDERTAKEN MORE EFFORTS TO COMMUNICATE WITH THE PUBLIC

This top-down approach no longer works because it's a linear process that starts with the design phase and ignores any potential impact to the local community. This means that during the design and selection phase, the seemingly best options for a transmission corridor are finalized hundreds of miles away from where the corridor is located–sometimes without any site visits at all. The design is then proposed to those in the field, specifically the right of way agents who will be informing the local community that a corridor is planned. The timeline and budget have long been established, and although the field professionals have had little input, they are expected to meet the schedule and budget anyway.

While all this is happening, the people in the community are kept in the dark until someone shows up at their door or they read in the newspaper that a new transmission line or pipeline is going to be built. Their typical reaction is to organize against the corridor, which in turn, forces the project proponents to defend their original plan. All in all, not a smart strategy, especially with the public's overwhelming access to information and group activism via the internet, 24-hour TV news, Facebook, tweeting and other social media.

COMPANIES REALLY DO HAVE A CHOICE

It's no surprise that this outdated top-down approach needs an overhaul. Think about it. While the developer is focused on budgets, timelines and return on investment, the community becomes obsessed with how the new project will impact their day-to-day lifestyle. The developer, eager to expedite the process, often doesn't realize how their independent actions are being perceived by the local community. The result is that affected residents feel powerless, subordinated and indignant. Those highly recognized and respected companies that were once trusted are seen as the enemy, inspiring antagonism and encouraging local unity to rise up against their development. Although both the developer and the community perspectives are understandable and have their merit, both parties will suffer if there isn't some form of collaboration.

Just look at the grass roots movement that has been taking place with active, widespread citizen involvement. The most recent example is the "Occupy Wall Street" demonstrations taking place across the United States and around the world. People are demanding they have input on decisions that are directly impacting their way of life. Given these shifts at the local level, are we ready to refocus our approach to corridor development and address the changing demands taking place in our communities?

A STRATEGY THAT DOES WORK

There is an alternative approach, and it has proven effective time and time again on a variety of corridor projects. Instead of managing from the top down, the process is reversed so that those in the field–living and working in and around the impacted area–are invited to participate in the planning process.

This bottom-up strategy is not particularly difficult to implement. It merely adds some time to the front end of the project so that research can be done to avoid any major social or cultural concerns within the potentially impacted area. The extra time is well worth it, as when the public knows their issues and concerns are being heard in the planning stage, there is much less fear and anxiety.

It is essential that developers engage local residents and right of way professionals in a conversation, asking for feedback on the proposed route and if necessary, for potential alternative routes. This is not a public meeting where the company simply presents the project. This is a two-way dialogue that shows the company is willing to listen and take any idea under consideration well before the project is set in stone. Rather than generating frustration and chaos, the local residents are valued and involved, and a sense of camaraderie around the proposed development will follow.

When local residents are engaged in the decision-making process, cooperation is inherent. Clearly, it is worth the time and effort if it means we will achieve success for our transmission projects.

THE HUMAN ELEMENT

Understanding human geography may soon become recognized as one of the most significant ways to avoid major project delays, cost overruns and loss of public goodwill.

A recent case illustrates the pitfalls of using the old top-down approach in project management. The new TransCanada Keystone XL pipeline is anticipated to carry crude oil from the tar sands of northern Alberta to Steele City, Nebraska, and then south to Houston, Texas, a distance of roughly 1,700 miles. In the project design, a nearly straight-line corridor was proposed from where the pipeline crosses the Canadian border in Montana to Steele City, a distance of approximately 850 miles.

The map shows where the pipeline was proposed before TransCanada withdrew this corridor from consideration. This action was taken in response to the U.S. State Department's announcement on November 10th that a "12 to 18 month delay was needed for further study of the impacts." It also shows where Keystone 1 is located (originally a gas pipeline which was converted to carrying tar sand crude two years ago). This Keystone 1 pipeline comes almost straight down the 100th meridian from the North Dakota border to Steele City and terminates at Cushing, Oklahoma, where many pipelines converge. Between the 98th and 100th meridians is where the low moist lands of the prairie end and the high dry lands of the Great Plains begin. It is a natural geographic dividing line of the United States not only in biological and physical terms, but in terms of social and cultural settlement.

CULTURAL VIOLATION

The company Natural Borders, LLC has mapped the pipeline areas into human geographic units that can also be observed on the map. Keystone 1 follows the 100th meridian south on this boundary line. There was little opposition to this pipeline when it was originally built for natural gas or when it converted to moving tar sand crude. However, as Natural Border's research and experience shows, when a company bifurcates geographic social units, as the straight line in Keystone XL does, and drives a pipeline right through the geographic middle of the community's cultural connectivity, the people will fight fiercely to protect against this intrusion into their living environment. Move to a border area which are zones of transition from one social system to another, and there will be less resistance, as was seen with the original Keystone pipeline project.

A major cultural violation of the Keystone XL project was in not recognizing that the Ogallala Aquifer, over which a substantial part of the pipeline would have run, is held sacred to the people of Nebraska. After all, it provides 80% of the water used in the state and supports the production of 30% of our nation's foodstuffs.

The mere thought of polluting the acquifer from a potential pipeline leak, a fear expressed often by the local people, is an unthinkable outcome for something so critical to maintaining the residents' quality of life. Had the local citizens only been asked, they could have explained why a straight line across the Ogallala Aquifer and through the fragile Sand Hills area in Nebraska was not the best option in this sensitive social and cultural environment.

There are other local issues along the pipeline route, including opposition by the National Congress of American Indians. However, it was the crossing of the aquifer without involving the citizens that was the flash point for the formal

opposition to mobilize. As noted by Gary Severson, Amoco Waste Incinerator project, "It is said that the people have a sacred obligation to this water."

The public's response to this project, which didn't consider the social, cultural, economic and biological issues up front, has led to something akin to an emotional tsunami. An emotional tsunami begins quietly enough with no hint of what's building, and seemingly out of nowhere, the project is left struggling or damaged beyond repair.

AWARENESS NEEDED

For us to ensure a project's success, each company and developer must recognize that it's how these projects are managed that will determine whether or not the project will face opposition. Whether for electric lines, pipelines or any other project, these management decisions can have serious repercussions on the right of way business in general. In the case of the Keystone XL Pipeline project, the result will be felt in terms of production restrictions in oil markets.

A Reuter's news article titled, *TransCanada Says Keystone XL Pipeline Route Unlikely to Change*, quoted Alex Pourbix, TransCanada President of Energy and Oil Pipeline as saying, "TransCanada did not realize that the project would become such a heated political and environmental issue in Nebraska. If the company had had any clue, we would have undertaken more efforts to communicate with the public," he said. "I hope it's not too late for that because what has been lost in all of this is the science and the facts."

We all have a responsibility to each other in avoiding disruption and conflict that can have trans-corporate impacts. Because local issues were not identified and addressed early on, the pipeline itself became the issue, thereby attracting outsiders and their political agendas. This case became so contentious that eight Nobel Peace Laureates came out publically in opposition to the project.

No matter how this conflict turns out (and it will carry over to other corridor alternatives), the damage has already been done to halt the goodwill needed for this new decade of corridor development. Before the eruption surrounding Keystone XL, there were no organized opposition groups that could be mobilized to fight these types of projects and their outcomes. There are now.

A PARALLEL COMMITMENT NEEDED

It is in our best interest to help create a paradigm shift. It will take a different approach, one that is not necessarily intuitive or comfortable for managers who are unaccustomed to being open to outsiders' input early in the development process.

Having a trusted individual on the ground, early in the process, allows for the synchrony of local concerns, corridor location and company-landowner relations. The company can become a trusted partner in an effort that the public will benefit from, whether directly or indirectly. This type of bottom-up management can lead to a productive future in the United States and other countries, whereby it is recognized that people hold the ability and power to infuse their economy with jobs and money in a dignified manner.

Imperative for the successful alteration and expansion of the nation's trans-regional transmission infrastructure will be citizens' increased influence over, participation in, and control of what happens in their specific geographic environment. In fact, citizens can have ownership, camaraderie, and union with a developer who engages them from the start. When citizens are empowered to aid in the production of renewable, local sources of energy and the creation of electrical veins to carry that power from source to load, doors open for the developer.

The increased need for transmission corridors will hopefully inspire a parallel commitment to rebuild the public/private partnership that has been lost. To rebuild this partnership, it's essential that we, as companies, learn more about the individuals and communities who will face the greatest impact from our projects.

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RELOCATING THE MARINE CORPS

A population surge would overwhelm any environment. Can chaos be avoided?

BY JAMES A. KENT, KEVIN PREISTER AND JOHN RYAN

An estimated 10,500 Marines are already in the process of permanently relocating from Okinawa Island in Japan to Guam. They will be accompanied by 14,000 other military personnel, civilian workers and their dependents in this relocation. It is planned that all of these 24,500 new residents will be in place by 2015. In addition to this permanent population, a temporary construction work force and their dependents will be needed—peaking at an additional 23,000 in 2014—for a total of 47,500 people from the direct impact that year.

Then there's the indirect and induced impacts. These are estimated at an additional 33,000 people in the peak year of 2014, and leveling off to less than 9,000 additional permanent people by 2017 from this segment.

Although the new permanent population has been estimated to be about 34,000 by 2017, the peak population is more than double that. As shown in Figure 2, roughly 79,000 people will be impacting Guam's population base of approximately 178,000, and this will occur three years earlier. This is not your average relocation.

It's no surprise that Guam will be impacted physically, biologically, socially and economically by this relocation. The impact from this level of accelerated growth, unless consciously and deliberately managed, would overwhelm any environment. The challenge is finding a way to create an atmosphere of harmony and respect so that everyone affected can be prepared for the inevitable change that's coming. Without it, chaos would be certain to follow.

BOTTOM-UP APPROACH

The sheer magnitude of the Marine Corps move has the potential to create a "future forgone," which occurs when people lose their ability to participate in and predict what will happen to their communities when major events are announced. Without predictability about events to come, feelings of anxiety and loss of control arise. In these situations, people are likely to rise up and attempt to take back their decision-making authority for their own villages, communities and environment.

To prevent a massive disruption, the Marine leadership will need to focus on a culturally-based process of stabilization. Mitigating potential impacts is essential, but without knowing what the specific impacts will be, it's like working in the dark. Therefore, on-the-ground work must be done within each community. That means going from village to village to get an insider's view. Without that, it would be impossible to know what's needed to stabilize each geographic community.

Where U.S. forces are engaged around the world, Defense Secretary Robert Gates is known for using an emerging doctrine known as a bottom-up process. Rather than trying to impose a pre-designed solution from the top down, this approach empowers citizens and governments to build a society that works specifically within the impacted cultures. This shift was set in motion by National Security Presidential Directive 44, which laid out a framework for reconstruction and stabilization.

ENVIRONMENTAL IMPACTS

In an ideal world, a stabilization program would have started at the beginning of the planned transfer of base operations from Okinawa to Guam. Unfortunately, it did not. Had the Marine Corps been following a bottom-up, community-building approach, the EIS draft that was released in November 2009 should have contained a social component. This would have included a situational assessment, one that identified the social impacts and all of the anticipated issues that would follow, as well as a social impact mitigation program with a task sequence, timelines and budgets for implementation.

> "...without knowing what the specific impacts will be, it's like working in the dark.

The policy intent of the National Environmental Policy Act (NEPA), as stated in Section 101, is to foster productive harmony and a balance between people and nature. Congress directed that the social, economic, and ecological aspects of decision-making be integrated in order to create that balance. This goal of productive harmony has not been noted, nor planned for in the final EIS. That shortcoming will need to be addressed as the Record of Decision is implemented.

PROACTIVE RESOLUTIONS

It is impossible to achieve sustainability until the disruptive uncertainty is alleviated. Without first obtaining that stable base, there is no foundation upon which to build a sustainable future. This is done by resolving outstanding physical, biological, social and cultural issues already in the system before the move.

The incoming Marine Corps units represent an instrument of major change during one of the most vulnerable times for the people, institutions and government of Guam. As such, any unresolved issues by their past presence should be identified in advance. If they are not resolved proactively, then those pre-existing issues will be loaded into whatever new problems arise from the impending move. Ultimately, these added burdens only work to slow down the process and increase the costs.

To the extent that Guam's informal cultural systems and formal institutions can be mobilized to absorb and benefit from the change that the Marine Corps will be creating, that is the degree to which the Marines will experience unparalleled success in their future relations with the people of Guam.

Figure 1: The Path to Sustainability

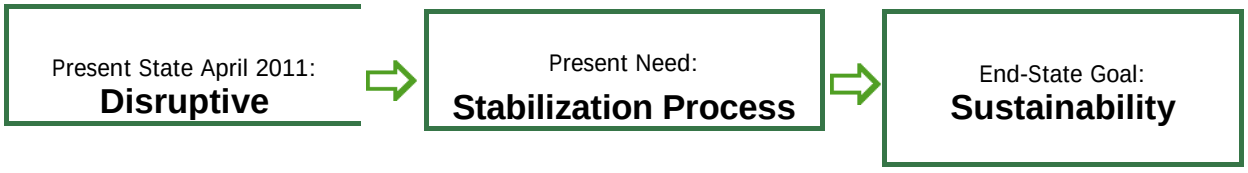
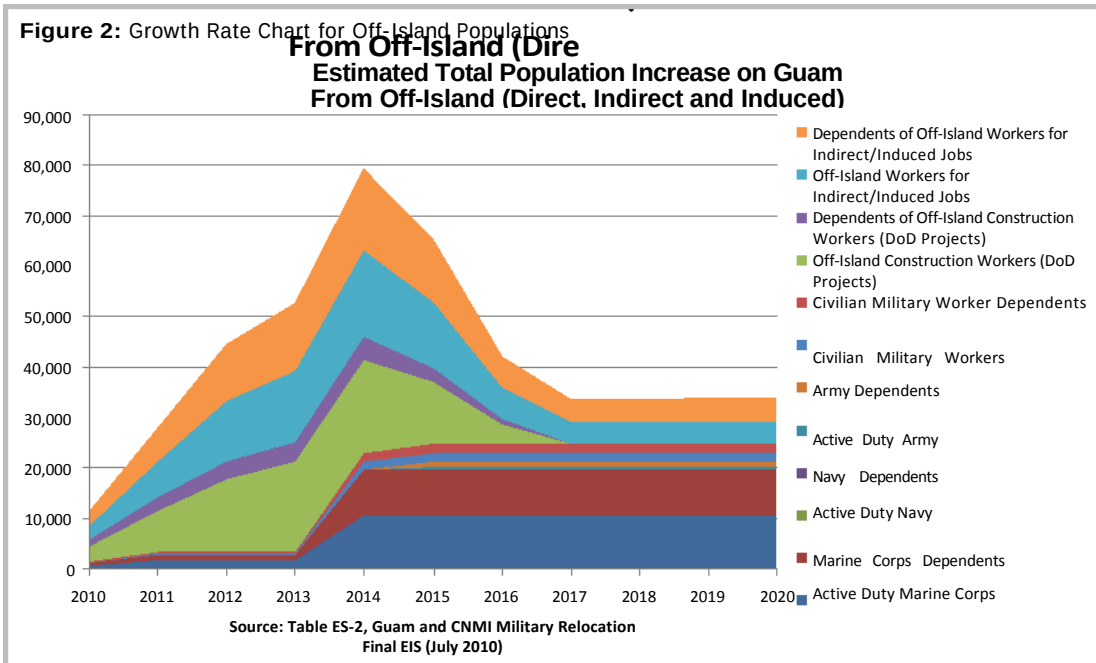


Figure 2: Growth Rate Chart for Off-Island Populations



ABSORBING THE GROWTH

As sociologists who have worked with addressing change in local cultures throughout the Pacific Rim, we know there are certain formulas that can be used to design management practices to address population change. It is important to recognize that:

- A population can absorb a natural growth rate of about 1.4% a year without disrupting the receiving society. According to a U.S. Census publication titled "Guam's Demographic Profile 2010," their annual growth rate was 1.365% in 2009.

- A 3% population growth rate is the upper limit for effectively managing an intrusion by a force such as this. To absorb 3%, the receiving society must mobilize and operate with design.

- Beyond the 3% annual growth, it will take extraordinary efforts to absorb the numbers in the timeframe planned. By the peak year 2014, the additional population growth (permanent and temporary) attributable to the Marine Corps move is estimated to be 79,000. After 2014, the population surge caused by the Marine relocation begins to decline and gradually stabilizes at about 34,000 additional people by 2019.

In Figure 2, a population growth chart reflects the estimated total population increase on Guam from off-island sources (direct, indirect and induced), as opposed to natural growth.

In the first five years, the compounded, annual population growth rate attributable to the relocation is estimated to be 7.6%. The year before, it will be 6.7% according to the final EIS. Thus, this five-year period of 2010-2014 has the potential for great disruption. The largest single-year population growth is expected between years 2013 and 2014–a growth of 26,000 in one year alone. This means that there are less than two years to prepare for addressing how the anticipated impacts will be absorbed.

FIVE ACTION STEPS

Change initiatives which foster sustainability require that certain functions be in place. Five key action steps offer a realistic and effective mitigation effort, creating an environment that is accessible so that all sectors can participate and benefit from the change.

1. Establish a Social Impact Management Team

Local citizens need a safe venue to articulate and discuss how the move will affect them and have their issues addressed. The EIS process must go beyond the physical environmental issues and identify and address issues related to social impacts, such as how the buildup will affect daily life relative to traffic, congestion, housing costs, access to services, educational opportunities, job prospects and business growth.

2. Obtain Participation Before Construction Begins

Success depends on early, direct contact between individual citizens and Marine staff using a collaborative approach. Many agencies are adept at interacting with interest groups on a formal basis, however most are not experienced with informal, place-based collaboration. Oftentimes, specialists are needed to identify the informal networks and make it easier for citizens to resolve their own issues.

3. Be Issue-Oriented in Early Months

Citizen issues must be identified and responded to at the emerging stage of development, with the goal of preventing emerging issues from reaching the existing or disruptive stages. The more the Corps can be strategic about addressing issues related to community life, the more positive the effects of the Marines' presence will be.

4. Engage with Institutions Gradually as Issues are Defined

To the degree that the Marines can strengthen the institutional framework of Guam by sound understanding of citizen issues and a commitment to assist in resolving them, the less dependent the population will be on Marine and local government resources. The long-term effect is efficient and effective governance. As the Marines become grounded in everyday cultural life on Guam, the direct relationships they develop will blunt unwarranted control from vested interests seeking to gain advantage concerning the results of decisions.

5. Create Indicators to Measure Progress

As the program advances, it will be essential to develop indicators for social, economic and ecological health that are relevant to Guam in promoting sustainability. These indicators can be monitored for progress on each of the dimensions, adding transparency and accountability to an island-wide collaborative program.

CONCLUSIONS

The Guam relocation presents an opportunity for the Marines to create a value-added sustainable environment, one of increased community and ecological benefits for the citizens and the institutions. It will create a learning experience for the Marines with a bottom-up approach in a non-war zone that will be successful and can be used in other Marine/Navy environments to create zones of opportunity .

However, the impacts from this growth, unless consciously and deliberately managed, can overwhelm the very environments that have made Guam a unique bio-social ecosystem. If that occurs, it will also significantly diminish the Marines' ability to function effectively in this critically important forward defense area. An environment of trust and respect must be created so that all sectors can participate in, and benefit from, the change that is coming.

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Table ES2 Estimated Total Population Increase on Guam from Off-Island (Direct, Indirect and Induced) Guam and CNMI Military Relocation Final EIS (July 2010) Executive Summary, page ES-8

Source: U.S. Census Records, Guam Demographic Profile 2010 (2009 estimate).

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Streamline Your Next Project:

The Case for Goodwill

BY JAMES A. KENT

In the November/December issue of Right of Way magazine, International President Kenneth Davis, SR/WA spoke of the rising respect that IRWA is receiving globally. That respect is what leads to creating organizational goodwill, a highly-valued commodity, which should not be wasted. He wrote, "We will be poised to respond quickly to changing markets and demands, not only at home but around the world."

In the complex world of right of way projects, there is an emerging trend. People are no longer willing to sit on the sidelines and have relatively little input into the right of way decisions that directly affect their lives. This is particularly true when it comes to approving local infrastructure projects. Regardless of whether it's a power corridor or a new pipeline, citizens everywhere are advocating for more participation, predictability and control in deciding what will happen in their communities and how change will impact them personally.

Too often communities are unpleasantly surprised by corridor projects that seem to be announced with little or no warning. The ensuing reaction can set off irrational fears which take on their own life, fueled by rumors and misinformation. Hostile citizen actions often cause costly delays as evidenced by an increasing number of projects being stopped or dragged out over unreasonable amounts of time. Lost in a hostile environment are a company's most vital assets - trust and goodwill - both of which are critical if we want to collaborate effectively with communities in implementing corridor decisions.

Local residents have a vested interest in their community and care more about their environment than any outsider would. If we could simply incorporate the issues and concerns of the community up front, our projects would be perceived as enhancing the community's livability, rather than taking something away from it.

An Essential Best Practice

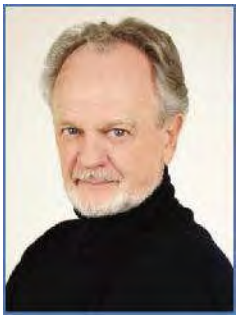
Taking the time to properly introduce projects to the local community can often make or break the project's ultimate success.

One example of this is the Holy Cross Energy transmission line and substation project in the resort town of Snowmass, Colorado. The project manager estimated that, as a result of including the local community in every aspect of the project, litigation was avoided, saving the taxpayers a potential expenditure of more than $10 million. In addition, the entire project schedule was accelerated by years. A project of that scope could easily take five to fifteen years from start to finish. In this case, the project took only three years to complete.

The goodwill and trust that Holy Cross Energy earned during this project also benefitted them when faced with other issues, such as dealing with renewable energy decisions and fee increases that could have been controversial, but were not.

There is no denying that citizen-based stewardship has proven to be a best practice. At home and abroad, this focus on the community affects our projects every step of the way. President Davis put his finger on the essential ingredient for our success in the future - IRWA is moving from a management-focused organization to one that is oriented toward leadership. This leadership dimension is exactly what's needed to ensure the right people are involved in our current and future efforts.

Better tools and techniques can be developed and used to engage the impacted people and communities when a project is first being designed. Recognition of the leadership component is one reason why IRWA is well positioned to advance into this new territory of community collaboration.



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A Tale of Two Mines

Why some projects fail and others succeed

BY JIM "CAP" CAPLAN

The Greens Creek Mine in Juneau has brought long-term economic value to the community.

A little over 50 years ago, two valuable ore bodies were defined in Southeast Alaska. One was of zinc, silver, and gold on Admiralty Island west of Juneau. The other was molybdenum, a mineral important in steel making, found at Quartz Hill south of Ketchikan.

The Admiralty Island deposit was developed in the 1980s as the Greens Creek Mine. Located in a highly-sensitive area near and within National Monument Wilderness, it's a place where anyone conscious of environmental activism, both then and now, would have scoffed at the idea developers could get approval to mine there. Yet, to date, Greens Creek Mine is the fifth largest producer of silver in the world, has yielded over 500,000 ounces of gold, and is likely to operate well into the next decade.

The Quartz Hill deposit is a different story. It contains 10 percent of the world's known molybdenum reserves, about 1.5 billion tons, and is worth billions of dollars. The area falls within, but is exempt from the Misty Fiords National Monument land use restrictions. Nevertheless, Quartz Hill never got beyond the exploration and patent phase.

So while the Greens Creek Mine was developed and brought wealth to its owners and long-term economic value to Juneau and nearby communities, Quartz Hill never saw the light of day. Why did one develop and not the other? Many believe that the main reason was due to the difference in mineral market values and costs of production. But I believe that the biggest difference was in how the developers engaged the local communities.

The original developer of Greens Creek, Noranda, Inc. (now Xstrata), came to Juneau in the early 1980s and, in meetings with all affected interests, conveyed that, "Whatever you care about, we care about...we will do everything you deem necessary to develop Greens Creek Mine." Then the project team engaged with local people, political leaders, and environmental groups to mitigate significant social and environmental impacts. In response to local concerns, Admiralty Island's famous brown bears are now protected by bear-proofed facilities, no-hunting rules and garbage removal. Streams are protected by the careful tailings-pile location and rigorous water-quality monitoring. And in a great departure from the Mining Law of 1872, Noranda agreed to revenue-share with American taxpayers. Today, workers live in Juneau and take a ferry to work.

This community-based approach worked so well that, in the 1990s, when the convoluted ore body mined at Greens Creek had to be followed into designated wilderness for production to continue, Congress passed legislation to allow it.

In contrast, Quartz Hill's ambitious developers, U.S. Borax, took a "force-feed" approach. They exercised their political and economic muscles at the state and federal level to elevate the mine's importance and visibility. They divided communities by pressuring local interests and community leaders for support, and they relied on formal environmental analysis and speculative litigation success to clear the way for development. This resulted in a wall of public resistance that caused otherwise indifferent owners to invest elsewhere - where environmental and community activists would let them mine with less scrutiny.

A tale of two mines. Greens Creek succeeded because managers humbly discovered the community way to riches. Quartz Hill failed because managers tried to bully their way into production. J

Following 30 years with the U.S. Forest Service, Cap is currently Chief Operating Officer of Environmental Dispute Resolution USA LLC. He developed a practical resolution framework for mitigating environmental issues, and has authored several books on the subject, including The Practitioner's Guide to Environmental Dispute Resolution. For more information, visit www.environdispute.com.

Human Geographic Mapping

A New Approach

BY JAMES A. KENT

The San Juan Basin Energy Connect Project has plans to build a power line between Farmington, New Mexico and Ignacio, Colorado. The Bureau of Land Management (BLM) Farmington Field Office (see yellow line on map) is the lead agency for the permitting of the power line corridor on federal lands that they manage.

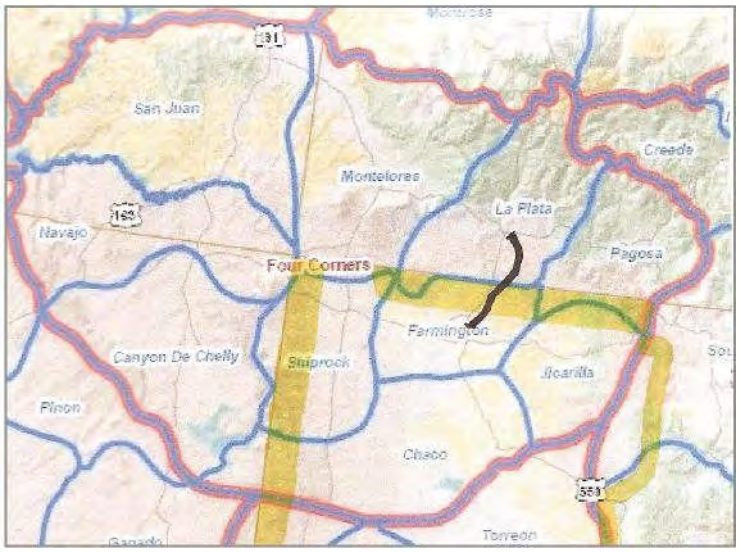
Several years ago, the BLM realized that their field office administrative boundaries were not particularly advantageous when dealing with site-specific social, cultural and economic issues. The fact is, when a project ignores the cultural differences in specific geographic areas, they are interpreted locally as being imposed from the outside. As a result, projects can be faced with resistance regardless of their merit.

In early 2000, the BLM chose to adopt a new human geographic mapping system that made it easier to identify and address disruptive energy issues up front. This became instrumental in developing a resource management plan.

Citizens mobilize within their natural borders when conducting everyday activities, so when formal institutions match their culture accordingly, the process becomes more effective. The BLM realized that they needed to address the diverse citizen issues differently for each specific human geographic area.

For the San Juan Basin Energy Connect Project, two very different and distinct populations represented by the Human Resource Units (HRU) lines are encountered in addressing the corridor selection for this project (see black line on map).

The activity in the Farmington HRU is extractive and resource intensive. It is culturally different from the Southern Ute Indian Tribe's culture, as well as the recreation and tourism of the La Plata HRU, through which the line must pass. For example, residents of the Farmington HRU express solidarity with their neighbors, as reflected by this statement about the proposed transmission line, "This line may not be on my land, but if it is on my neighbor's, I wouldn't like that either." By contrast, people in the La Plata HRU do not express such solidarity, as indicated by comments like, "If the line doesn't go through my property, it will be ok."



The Human Geographic Map shown here depicts the boundaries of the informal social, cultural and economic systems within the Four Corners area where Utah, Colorado, New Mexico and Arizona intersect. The red line designates the Four Corners Social Resource Unit and indicates similar landscapes and human relationships within those landscapes. The blue lines are the more specific Human Resource Units, where day-to-day activity is unique to that geographic area.

The power line developers, Tri-State Generation and Transmission Association, have decided to use this human geographic approach to save time, money, their reputation and citizen energy. This is the first time that this Human Geographic Map system, based on preventing conflict, has been used nationally by a transmission company.

Human Geographic Mapping enhances the current practices of dealing with the day-to-day project management, long range planning and NEPA compliance. Discovering and addressing citizen issues early in the project - in their appropriate geographic setting - will go a long way in preventing a project ambush, conflicts and costly delays. Ultimately, this will foster successful corridor development.

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The BP Disaster and Lessons Learned

BY JAMES A. KENT

I recently received emails from several colleagues that essentially asked the same question: "How can we, as professionals, adjust our thinking and plans for the post-BP disaster era?"

This is an emerging new era for right of way professionals, and change is certain. The old school development model of designing, proposing and defending will be replaced by engaging, communicating and building. If we are to succeed, we must either develop the leadership skills necessary for participating in this new era, or be content with reacting to the agendas of others.

In the July/August issue of Right of Way Magazine, two different articles raised concerns about the increased regulations that energy developers are likely to face as a result of the BP disaster. In my article, "Collaboration under the NEPA Umbrella," I spoke to the federal tightening of the National Environmental Policy Act (NEPA) in terms of regulations and permitting. An article by Val K. Hatley, entitled "Under the Gun," shed light on the red flag raised by the reorganization of the Minerals Management Service in the Department of Interior.

As stated in Section 101 of NEPA, the goal of major federal actions is to foster "productive harmony;" a balance between people and nature. Congress directed that the social, economic, and ecological aspects of decision-making be integrated in order to create that balance. Section 101 will inevitably receive new and vigorous attention from regulators armed with concepts like the Pre-NEPA engagement, collaboration and issue management. The main goal will center around one important theme – project outcomes that produce sustainable, livable and healthy communities.

As we prepare for action in this new era, there are three essential elements that will not only help ensure our projects are in compliance, but eliminate unnecessary delays, roadblocks and environmental hurdles during the process.

The social component of the Environmental Impact Statement will take on new and significant attention. This includes a situational assessment to discover which issues will surface for the impacted population, mitigation measures for those issues in project design and an implementation plan with budget. It is the public's reaction to these off-site impacts that are stopping projects even when the technical aspects and on-site impacts are favorable.

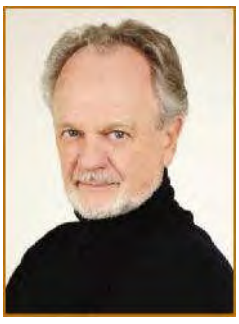
Social impact assessments, along with other feasibility studies, must be done up front before finalizing decisions relative to siting, corridor selection, permitting and acquisition. Recognize the relationship that residents have with their environment, and how any type of disruption that impacts their environment will be met with fear and anxiety. Those who understand the fundamental dynamic of community life and legitimate project impacts on people's lives will benefit greatly. If local residents feel respected, your chance for project success will be significantly enhanced.

Avoid the trap of relating to regulators in a manner that you feel gives an advantage in how they look at your project. This trap can lead to assumptions that certain studies can be short-changed or ignored completely because relationships replace science.

Currently, there is a lawsuit against the Cape Wind offshore turbine farm near Nantucket Island. In this case, with the tacit permission of several regulatory agencies, the applicant did not carry out the required environmental studies and did not implement mitigation measures.

At a critical time, the very agencies that appeared to support the project suddenly became adversaries of the developer. There is no leverage to be gained by not doing all of the compliance work and doing it early. Make NEPA, the Endangered Species Act, the Clean Air Act and the Clean Water Act work for you.

The opportunities this change brings will produce projects that are physically, biologically, socially, culturally and economically integrated. We would all be wise to embrace this emerging new era. With the rebirth of NEPA, fresh industry leadership is critical for survival and profitability.



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Collaboration under the NEPA Umbrella

BY JAMES A. KENT

One of the direct results of the BP Deepwater oil rig disaster in the Gulf of Mexico will be the tightening of the National Environmental Policy Act (NEPA) law across the board on federal lands and for federal permits. This monumental tragedy exposed a loose relationship between the federal regulatory agency, the Department of Interior's (DOI) Minerals Management Service and oil companies like BP to the extent that NEPA exemptions were given without any evidence that they were warranted. The repercussions from these acts of negligence will have profound effects on all future federal permitting nationwide.

NEPA enforcement will be one of the major vehicles for ensuring compliance. The good news is that companies can take preventive action if they recognize this change is coming. Companies that want to protect their projects from the unintended consequences of a new wave of enforcement need to quickly come up to speed on their knowledge of NEPA. This is especially true when it comes to addressing the social component of the law, which is usually neglected by the federal agencies and project proponents in doing environmental assessments and environmental impact statements. Yet, it is the social ecology – the cultural and economic impacts on individuals and communities – that must be addressed on an equal basis with the natural environment.

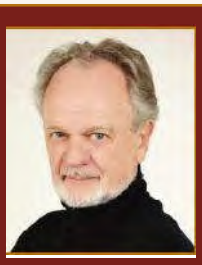
In order to enhance project approval opportunities, an internal strengthening of the social component is advisable. The concept of pre-NEPA work is already in motion within the permitting agencies with specific attention focused on Section 101 – the policy goal of the law. In this section, the concept of productive harmony proposes the integration and balance between people and nature.

On projects that impact the community, the pre-NEPA work allows time for relationships to form and creates an understanding among the agencies, citizens and local governments before the clock of Section 102, the familiar procedures section of NEPA, starts ticking. Agencies are finding that the pre-NEPA efforts actually help expedite the formal process by reducing last minute delays and legal actions.

There is currently a shift toward integrating more collaborative approaches to accomplish sustainability, livability and health of the resources and local people in both the DOI and the U.S. Forest Service. A collaborative process allows citizens to participate in changes to their social and physical environments. It also reinforces the government's function as one of expediting and facilitating citizen stewardship rather than commanding and controlling the process.

Companies are well advised to thoroughly understand the collaboration concept under the NEPA umbrella and to use it wisely in providing leadership to agency personnel who may be struggling with the expansion of their responsibilities. A well prepared future course of action will pay dividends by avoiding conflict, false starts, lawsuits, gridlock and project delays. It is essential that time be taken to encourage local citizens to function as willing partners, as this will help ensure we collectively move forward in energy development. Increased local citizen ownership in the outcomes of the project leads to improved decision-making by the agencies that in turn provides benefits and protection for project developers.

As the decision-making landscape changes because of the BP blow-out, it is the social, cultural and economic aspects of those decisions that will become the driving force for new resource siting and corridor development involving federal permitting. Companies now have an opportunity to shape and direct their own future by developing their decision making capacity internally instead of having it dictated to them by outside forces.



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When Ignorance is Not Bliss

BY JAMES A. KENT

I recently attended an American Wind Energy Association meeting on siting and was especially interested in the Bureau of Land Management panel session. Included in a discussion on renewable energy was the Cape Wind project, which had suffered from significant roadblocks. According to one panelist, the project developer asked a Fish and Wildlife biologist if there were any issues that might prevent windmills from being built off of Nantucket Sound. He responded that, to his knowledge, there were not any issues.

Based on that informal response, the developer moved forward with the project - only to hit an inevitable roadblock.

Windmills can impact a view of the horizon if not properly placed. In this particular case, the resident Aquinnah Indians were affected. This Tribe has an imbedded cultural belief that, in order to be spiritually whole, they must have an unobstructed view of the eastern horizon. There are federal laws that protect these beliefs. Unfortunately, no one took the time to research the community. By the time the obstructed horizon issue finally surfaced, not only were the Indian beliefs a problem, but other residents had decided to join in and support any activity that would stop the wind machines.

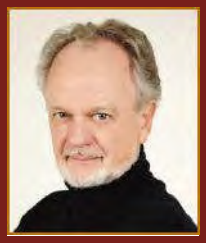
A social scan of the target area would have certainly uncovered the Indian Tribe. While the developer may have had to hire a knowledgeable social scientist to help them understand the Indian beliefs and how to mitigate the issue, at least the concern could have been addressed before it disrupted the entire project. If the company had taken the time to research the area before starting development, they might have discovered that, by placing the wind machines 15 miles further out, they would have fallen below the horizon and would not have obstructed the Aquinnah view.

In Colorado, I learned of a similar situation involving a power line from Pueblo to Alamosa, which spanned about 120 miles. For the corridor, the developer drew as straight a line as he could for 120 miles using an aerial view of 10,000 feet. The developers did not consult with the Bureau of Land Management or the U.S. Forest Service, nor did they set up a system to keep them informed. Unfortunately, the transmission line was designed to pass through the Trinchera Ranch, whose owner retained a lawyer and now has the project at a standstill. In reviewing the corridor line, it could have been redirected around the ranch. If the developer had taken the time to research the local area and conduct some due diligence, time and money could have been saved.

We all want to fast track our projects. Instead of fact-checking with several sources, it's easier to accept and believe limited and often inadequate information just to get underway. As experience shows, this leaves us open to significant risk.

There is a pay-off for developers who become attuned to the social systems that affect communities and can ultimately impact their project. Citizen-based stewardship is a profound trend that is sweeping the country. More people have decided to take control of their environments. They want predictability and participation regarding what happens in their community.

As right of way professionals, we are in a unique position to bring these issues into the light and ensure that citizen issue testing becomes the first step in any project or development.



James A. Kent

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Overcoming Community Roadblocks

BY JAMES A. KENT

While speaking with a colleague about the hurdles he was experiencing in getting his wind energy project approved, I was struck by an increasing opposition to large-scale alternative energy projects, including his. If the new project would provide the community with a clean energy source, then why was he facing local opposition?

Over the years, we have learned that local communities simply want some predictability over events that affect them. If they feel a loss of control over their future because of a project, they will act to maintain control, often through formalized resistance. However, if they are involved up front and see how the project can help them achieve their future goals, then they are more open to cooperation.

Disruptive issues can easily sabotage a project. To prevent this from occurring, it is critical to understand how communities absorb change – before seeking project approval.

Challenge

On the Hawaiian island of Oahu, we became involved with a wind farm project. The project proponent was in need of approval for the construction of wind turbines near Kahuku Point, where a popular resort was located. The project supporters were under the impression that their technical design would get approved through public contact during the formal review process. Since wind is a clean energy source, they thought it would be acceptable to everyone.

What the proponent did not realize was that there were five very culturally different communities who were being impacted, and each had their own way of dealing with new projects. These were rural areas where citizens had mobilized in the past to fight development projects. Disruption was a way of life, and reacting negatively had become an automatic response mechanism.

Solution

A strategy was needed that would create opportunity for the citizens to participate with the wind developers, rather than react to them. The first step was to access the informal community networks to identify and resolve emerging and existing issues while preventing disruptive ones from occurring. For instance, we discovered that the village elders were mainly concerned about the project's ability to affect the education and work opportunities for their youth. This was an issue that could be successfully addressed.

By having open discussions with the citizens, their issues could surface and be addressed, thereby taking anger and reaction off the table. Their natural communication networks, and not formal meetings, were used to ensure that information could easily be exchanged in a safe setting. To address the concerns raised by the elders, a youth education program in wind science and development was established. Local citizens were hired and trained to construct and manage the visitor center, as well as to work on assembling the wind machines. The proponent agreed to provide start-up money for businesses that could evolve from the development activity. All of the physical environmental impacts were resolved in the same collaborative spirit. By incorporating mutually-beneficial mitigations, this became one of the few development projects on Oahu to avoid citizen opposition.

Getting Citizens Involved Early

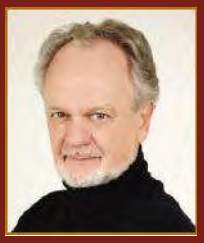
There is a greater chance of gaining community ownership if a project proponent takes the time to understand and address citizen issues at the formative stage. Citizens want to participate in evaluating how they can benefit from the impact a project will have on them. There are three stages of issue management and recognizing them can lead to successful collaboration.

Emerging issues are born when citizens are uncertain about how a proposed change will affect their ability to protect and maintain control of their lives. Addressing issues as this stage will prevent them from escalating to a higher level.

Existing issues are revealed when people react to a perceived direct threat from the project. This occurs when the project supporters fail to identify and respond to the emerging issues. Options are diminished at this stage, however, negotiations are still feasible to resolve the issues and prevent opposition groups from forming.

Disruptive issues occur when citizens feel they have completely lost their ability to protect and maintain control of their environment. At this stage, it is likely that someone else, generally the courts and administrative bodies, will decide the outcome. Imposed solutions are rarely satisfactory to either side. This not only drains resources and drives up costs, but goodwill is lost and distrust sets in.

By collaborating with those affected by the project, the power of citizen-based stewardship can work to the benefit of the project and the people impacted.



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Inside the Invisible Community

BY JAMES A. KENT

Politicians and staffers are often the last to recognize a change in public sentiment. Consider a project manager, told by a council person or mayor that a project was ready to move forward, only to get ambushed at a hearing by an unforeseen opponent. This scenario is more common than you might think.

In every community, there are formal groups and informal networks who constitute the public consensus. The formal groups are easier to identify, as they have recognizable functions like mayor, president, teacher, or lawyer. Because they are more visible, there is often a mistaken belief that they constitute a community consensus. This is a risky assumption.

Earning broad-based community support is critical to a project's ultimate success. If the project team is relying solely on support from formal sources, and have not engaged the informal network, then a false sense of security can follow.

LOCAL COMMUNITY ARCHETYPES

The informal networks are concerned about the health of their community. The functions in these networks are carried out by "community archetypes," and there are three significant types:

1) **Caretakers** are the glue that holds the culture together. Local residents will often seek them out for advice and information.

2) **Communicators** are found in gathering places and are known for moving reliable information through informal networks.

3) **Authenticators** carry the cultural wisdom of the people and are capable of translating technical project information into usable community language.

By understanding the different types, the project team can avoid potential pitfalls that can affect their project.

CHALLENGE

In Hawaii, a real estate developer was planning to build a gated community along the shoreline comprised of second homes and a golf course. Because the plan excluded local residents and deprived them of shoreline access, the project had suffered strong opposition from activists, who were backed by several elected council members. To make matters worse, the golf course would require enormous amounts of water and resources, and it was perceived as taking from the community without giving back. As a result, the project had failed to win approval several times.

SOLUTION

The developer, who had millions of dollars invested, contacted JKA in hopes of finding a way to move the project forward. After considerable time "hanging out" in the community, we were able to understand the underlying hostility and rhetoric within the informal networks. There was enormous animosity from the citizens, who resented outsiders for owning second homes that would sit idle for most of the year. JKA realized that there was only one way for the project to proceed - it had to be modified so that the citizens would receive a direct benefit from its development.

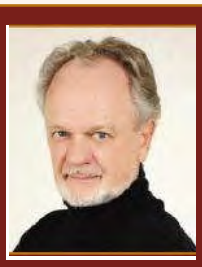
JKA field workers immersed themselves in the community and uncovered the archetypes. After identifying the neighborhood "caretakers," we began engaging them in face-to-face contact about their issues. As we listened and gained their respect, they connected us with hundreds of others who could give us feedback on what a new project should produce for the community.

With the "communicators," we focused on replacing their old perceptions with accurate information about the new citizen-based design. We updated them weekly and took their input back to the developer for reformulating the project. Given the unique culture in Hawaii, the "authenticators" played a critical part in decision-making and assisted with integrating the physical, social and cultural design aspects of the project.

From affordable housing to million-dollar homes, the new project evolved into a full-service pedestrian community where residents could live and work. By refocusing the project on local issues and requiring homebuyers to live there full time, the project addressed the community issues that were blocking approval.

SUMMARY

Becoming engaged with informal networks and understanding the unique impact your project will have on them is essential if you want to improve chances of project success. Project managers who spend time hanging out in various parts of the informal community will find that it is time well spent. Gathering places are the best place to start. You can pinpoint where and when your supporters will emerge by becoming involved in the invisible community.



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Perception of the Local Language

By James a. Kent

How important is it to understand the local language? Most of us underestimate the power of local talk, especially when planning and designing site development and corridor projects.

Taking note of how the locals talk about their community can be invaluable because language reflects the culture and framework in which people view, manage and act on issues in their environment. Take a moment to listen to people at the grocery store, coffee shop and other gathering places. Hearing this talk in a natural setting lets you hear it unfiltered by formal influences.

Despite the importance of understanding the local community language, most companies often miss this opportunity. This oversight typically results in suspicion and hostility to the proposed project from the community whose support is needed in securing approval. The negative reactions that follow most likely have nothing to do with the project itself, but simply with the language used to explain it.

Case Study

A good example comes from the Copper Dam hydro-electric project on the Skagit River, which was proposed by Seattle City Light. My company was hired to conduct the Social Impact Assessment for the Environmental Impact Statement.

Soon after arriving in the Skagit River community, we heard stories about a place called the "Tar Heel Crescent." The Crescent turned out to be a unique bend in the river, which had been settled over the years by loggers and miners who came from North Carolina.

Challenge

The engineers described the proposed project Copper Dam as an "earth-filled dam" in all of their formal presentations. However, the local residents were not hearing that description. Instead, their ears heard "mud dam." As our team listened to the locals discuss the project, several references were made to a new "mud dam" being proposed for the river. We immediately suspected trouble.

To understand what the term mud dam really meant, several stories were obtained from the Tar Heel residents. They described it as sludge from the coal mines that was pushed up to form retaining dams for holding back highly-toxic runoff water from the coal tailings. These are considered dangerous by the miners because they can break very easily. Since the Tar Heel Crescent was downstream from the proposed earth-filled Copper Dam, this was a concern.

Resolution

It was important to hear for ourselves why the local residents had translated the earth-filled dam's language into their own cultural understanding. To them, earth meant mud. They were strongly opposed to this 40-foot high dam given their past experience with the small dams associated with mining coal. The size of the dam was not the issue. It was how the dam was perceived.

At the same time, we learned that several bald eagle advocacy groups outside the immediate area were opposing the Copper Dam. They began reinforcing the mud dam language as a fear tactic in hopes of engaging the local Tar Heels in opposing the dam. By resolving this misunderstanding, which took about a month, we were able to neutralize the leverage held by the advocacy groups over the mud dam issue at the public hearings. This helped the client to avoid costly conflict, needless project delays and possible defeat. By the time the formal hearings were held, there was no opposition from the Tar Heel Crescent communities.

Lessons Learned

Knowing first-hand how local people talk about their issues, how they process information, and the names they use to refer to historic and cultural areas are critical to gaining insight. This also leads to early community participation in the newly-planned infrastructure project. By engaging people informally and integrating the local language before making long-term decisions, holding public meetings and crafting formal announcements, citizens are more likely to become involved and help build internal support.

The fact is, NIMBY-ism grows out of misunderstanding and fear of loss-two areas that project managers can influence. If decisions are made that build from the "bottom up" approach, and language is used that allows citizens to understand and participate in, rather than react to the process, they will be more receptive and supportive to changes in their environment.

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Leveraging the Science of Community

BY JAMES A. KENT

Reaching community buy-in on a newly planned infrastructure project is no longer a luxury proposition. Through experience, trial and error, we have discovered a new way of doing business in communities -- ways that are often more effective and less costly than most current practices. We call our approach social ecology, the science of community. By using informal networks and taking steps to identify, listen to and involve the community on the front end of a project, we get good results.

Embracing the community

- Streamlines approval process
- Lowers project costs
- Prevents disruptive issues
- Citizens become collaborators
- Good results follow

Informal networks work because they prevent disruptive issues from dominating the community decision making process. Frankly, if the issues of informal networks and their implications are not well understood in a project development approval process, the company and its project team may be sitting ducks when they walk into a formal meeting where "group-think" prevails. The real issues in a community that can make or break the project are often missed entirely. In a formal approach, as many as 90 percent of the people being affected are often not engaged and do not show up at the public meetings and hearings.

CASE STUDY

Many new alternative energy projects, such as solar and wind, are facing site specifi c and transmission corridor issues. One example of a misplaced corridor selection, which many of these projects may ultimately face, is the American Electric Power's (AEP) 765kV transmission line. It was originally designed to run from near Blue Field, West Virginia to Jackson Ferry, Virginia - a distance of about 150 miles.

Challenge

A section of the power line crossed 11 miles of the George Washington and Thomas Jefferson National Forest, which meant that a federal Environmental Impact Statement (EIS) was required. AEP picked the most direct route accross the forest, as companies often do, and that route ran on top of Peters Mountain in West Virginia, as well as through several Scotch-Irish settlements that had been there since the late 18th century.

While the company had spent six years and $5 million preparing the technical side of the EIS, there was no testing for citizen issues at the beginning of the project. No attention was paid to the social impact requirements contained in the National Environmental Policy Act of 1969, which governs the U.S. Forest Service approval process. By neglecting the social issues, the company had no real understanding of the cultural challenges surrounding Peters Mountain or the people who would ultimately decide the fate of their power line.

Resolution

In this instance, the topic of "cultural attachment" surfaced late in the EIS process, and our company was called in to bring an understanding of what that issue meant for the project. We spent three months in over 30 small settlements listening to the people of Peters Mountain, understanding their survival strategies and what was meant by cultural attachment. The informal networks of Peters Mountain were formidable in their desire to remain in their ancestral homes, on their own land and continue their generational self-suffi ciency. Because of the cultural attachment issue associated with the corridor, the request was denied by the Forest Service. Had AEP been oriented to the community and social aspects of corridor development, they would have learned at the beginning of the process, six years earlier, that Peters Mountain was a poor choice. Eventually, we were able to work with AEP and the Forest Service to fi nd a suitable alternative corridor that did not impact cultural attachment in its routing. As a result, the EIS was approved in 1999, a full nine years after the project fi rst began.

When these horizontal systems are understood and engaged, opportunity is created for new projects to optimize social, economic and ecological benefi ts in a local area. Citizens will become your partners and collaborators once you address their issues of survival and attachment to place.

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The Holy Cross Energy Experience

Managing community issues facilitates the approval process for an underground transmission line and substation project

BY DR. JAMES A. KENT

As you turn off Highway 82 onto Brush Creek for the seven-mile drive into Snowmass, Colorado, you cannot help but be struck by the expansiveness and beauty of the landscape. This is no accident. The citizens of this small resort town assessed themselves over $8 million in the past decade to ensure that this pristine entrance maintained a scenic corridor with no unnatural physical obstructions. As a result, it is easy to be impressed by the fact that there are no power poles and overhead power lines.

Steady Growth Leads to Zero Reserve

Holy Cross Energy (HCE), a membership electrical cooperative, was involved in a 10-year long battle with Snowmass to put a substation and a new transmission line in town in order to ensure reliability. This transmission and substation project had generated enough stress over the decade to have one of the senior members of the HCE project team remark, "I had hoped to retire before we had to tackle this Snowmass project again!" No such luck.

The Public Utility Commission (PUC) of Colorado insisted that the existing facilities had enough energy and capacity to service the peak load times. For Snowmass, that peak load time happened to be Christmas day, when the town bustled with visitors and busy retailers, hotels, ski slopes and restaurants - all operating at peak capacity. By October 2002, it became apparent that avoiding the reliability issue was no longer an option. The Snowmass/Aspen and upper Roaring Fork Valley's electrical delivery system was in jeopardy of failing unless a substation and transmission line were approved and built as soon as possible. The time had come to make reliability the foremost priority. This entailed building the new substation in and transmission line to Snowmass.

Effects on Local Community

Complicating HCE's decision to proceed at this time was a disruption caused by a different project. A large-scale commercial/residential project called Base Village had caused a stalemate among the

residents and political forces in Snowmass. Base Village approvals were stuck in the system and had created enormous confl ict throughout the community. Positions for and against the project were taken, with citizens demonizing each other over their differing opinions. HCE had to face the harsh reality that they had to seek approval for their energy project at the worst possible time.

The HCE Board knew that they could use the power of the PUC as the fi nal authority. However, they also knew that such an approach would do irreparable damage to HCE and the relationships they had nurtured with their co-op members over the years. The search for a non-confrontational approach led to our company, James Kent Associates (JKA), as we have a reputation for facilitating projects by reducing complexities created by the formal approval processes. This is achieved by increasing citizen participation and ownership in a project. HCE's embedded management ethic of listening to their membership was an ideal match for our less conventional citizen-based approach.

The HCE team assigned to the project was responsible for ensuring reliability of the present distribution lines that ran to Snowmass from the Aspen substation, as well as corridor and substation site selection and construction. Our team was assigned the task of taking the project through the formal approval process to reduce exposure to the HCE team. We were also responsible for the informal community organization work.

Incremental Cost of Underground Lines

By the time our company came on board, the HCE team had already designed seven overhead corridor options, as well as six overhead/underground options and three fully underground options. They had also selected fi ve substation sites, one of which was on Pitkin County Open Space land, a site that posed built-in confl ict right from the start, thanks to the controversial Base Village project.

HCE made it clear that all 48,000 rate payers in their co-op would share the cost for a new substation and standard above ground transmission lines, as it would increase reliability for their entire system. If the local valley governments asked for all or part of the line to be placed underground, then they would have to agree to a rate increase to fund the incremental $7.8 million cost required to bury the line. Something neither elected bodies were willing to politically risk.

With this information, our team went into the local community to gauge and analyze the decision-making dynamics and communication structure they used in resolving community issues and keeping each other informed. In every community, there is an informal communication system that operates through word-of-mouth networks and central gathering places. Our mission was to locate those informal networks, as they are the key to understanding local traditions, beliefs and values that underpin and direct decisions. This would enable us to engage the local citizens. We realized that, if the citizens gained social ownership of the project, they would hold the elected offi cials accountable for their desires, thereby reducing or eliminating ungrounded attacks on the applicant - in this case, HCE.

"It was essential for us to create an environment built on trust..."

The Pitfalls of Issue Loading

One of our fi rst steps included identifying which issues already existed in the community. This was undertaken so that HCE would not inadvertently stumble into issues created by another entity. It is critical for a project proponent to take ownership of their issues and develop protection, ensuring that unrelated issues do not delay their approval process. This is called "issue loading" and can prove deadly for many projects. It is often known as the silent killer, as it causes projects to fail—not because of project weaknesses—but because of issues that have been loaded onto the project, over which there is little or no control.

The fi rst task in the prevention of issue loading was to keep HCE from being pulled into the three-year fi ght over Base Village. The electrical reliability issue had been building for several years, and was completely unrelated to the Base Village project. It was not in HCE's interest to have the new substation and transmission line tied to this project comprised of one million square feet of new development. The confl ict over Base Village came from the developer using a top-down approach for their approvals. This meant that they relied on a formal planning process instead of an informal "bottoms up" process where the citizens discovered for themselves the merits of the project. Of course, the top down process typically leads to citizens reacting negatively to plans and attacking the project.

Environment Built on Trust

The second task that JKA undertook was to ensure that the project did not get trapped in the historic, as well as current confl icts between Pitkin County and the Town of Snowmass. The project required approvals from both governmental entities, as the transmission line was to be located in Pitkin County and the substation in Snowmass. HCE hoped to avoid being used as fodder in furthering the long-time confl icts between those two units of local government. By understanding the issues that created the confl ict, we were able to distance our project from those disagreements. Recognizing the source of these issues allowed HCE to avoid unintentionally taking one side or the other. It was essential for us to create an environment built on trust, which would facilitate working independently with the entities and help us avoid the need for joint sessions. While joint sessions often look effi cient and time saving, these types of structured sessions can also be a trap, and applicants can be compromised through no fault of their own.

Working within the informal networks allows the project proponent to take the project directly to the people. To achieve a suffi cient level of agreement and proceed on a major project, a community must fi rst engage in widespread public discussion of the issues, specifi cally at a level where citizens' interests in their community is the core topic. Formal meetings that take place without informal networking only serve to attract those who already have a position on the issue. Working at the "interest" and not the "position" level is what actually generated the ideas that HCE ultimately incorporated into their successful approval process.

The GIS substation was placed on the site that the citizens chose. The 25 kv distribution lines feed from the substation. The public hiking trail incorporated into the site plan is in the foreground.

The GIS substation was nestled into the hillside with site restoration in progress.

Discovering Community Beliefs and Traditions

To help us align the transmission and substation project with the needs of the local community, the key beliefs and traditions of Snowmass residents had to be discovered. If we could associate the project with their culture wherever possible, instead of trying to force citizens to get on board with the HCE technical proposal, then we would be successful.

During this discovery process, four value systems were uncovered:

1) A Sense of Fairness

The overhead power line corridors were an issue from the beginning. Citizens did not want 40 to 60 foot power poles sweeping up Brush Creek - the same area where the community had already invested $8 million for visual protection. Once the community saw the various overhead alternatives and discussed the routes, they concluded that the line should be underground. The main reason was cited as, "It would not be fair to subject a neighbor to a power line corridor that I would not want in my own environment." The citizens wanted to avoid any decision that would pit neighbor against neighbor, which had occurred with the Base Village project.

2) Taking Care of Their Own

As a companion to a sense of fairness, there were strong beliefs and practices that indicated residents mobilized to take care of their own issues. As related through stories, there was pride among the residents in their ability to rise to any occasion and identify ways to manage intrusions into their environment. Citizens of Snowmass proved to be independent, proud and not prone to asking for outside help.

3) A Passion for Facts

We held numerous chat sessions in private homes, and in every session, there were participants with calculators. Often times,

these were owners and company executives who had retired in Snowmass. Whenever we discussed numbers, we found ourselves being scrutinized, corrected and called to refi nine the numbers. This project actually had its own citizen-based mathematicians! They helped us calculate the surcharge formulas, and since they were part of the process, they took ownership and became project proponents.

4) Relationship to Geographic Place

We recognized early on that citizens know their community geography and terrain extremely well. Leveraging this "relationship to place" was critical for the project in these ways:

a) The surcharge boundary was decided by the citizens to be the geographic areas represented by the current three distribution lines that bring energy to Snowmass from Aspen. In grounding the boundary area within these pre-existing geographic references, a rate payer fi ght was avoided. The surcharge would operate on a "Cost Causer Pays" basis.

b) It was also clear that an air-cooled substation requiring two acres of land was not going to fi t Snowmass. It is a resort community and two acres of land is a rare premium. Besides, no one wanted an "ugly" substation. Our team conveyed this to HCE and concurring with the citizens, proceeded to build a Gas Insulated System (GIS) where transformers could be housed in a building. This system came from Europe, along with engineers to build the station. The substation is now located in two small structures that look like barns with stone siding, tin roofs and wood trim. Only 8,500 square feet of space was used instead of 88,000 square feet.

c) HCE had fi ve alternative substation sites selected, all of them potentially controversial. The fi nal site, not part of the original fi ve sites, was identifi ed by several citizens who knew the terrain and geography, and took into account that the Town of Snowmass owned land next to the town cemetery. The site turned out to be ideal, and there was no controversy since citizens were part of the selection process.

Both a "sense of fairness" and the "taking care of their own" attitude among the residents helped HCE work out the determination of the upper limits of a surcharge that would be assessed for the underground placement of the transmission line up Brush Creek.

The estimated cost was an additional $7.8 million, which the residents would have to cover above and beyond their current monthly bills. This required an exciting discussion throughout the community, which later proposed a 15% increase over 33 years as a tolerable threshold and a 20% breaking point. HCE decided that, after much calculation, they would work to come in under the 15%

These towers bring the 115 kv line across the Roaring Fork River where it goes immediately under ground to begin its seven-mile journey under Highway 82 to the GIS substation.

mark. HCE announced in April of 2006, to everyone's delight, that the actual surcharge was 11.447% - well below the 15% threshold and signifi cantly under the 20% breaking point. To date, there have been no complaints of the added amount on the monthly bill, once again confi rming that people have a sense of ownership over project decisions when they are allowed to participate in the process.

Summary

With the citizens taking social ownership of the project, all disruptive issues were avoided and there was no opposition at any of the formal hearings. The project was completed in December of 2005, when the substation and transmission line were energized. A local company completed the underground corridor work, primarily because they were sensitive to the fact that they were working in a seven-mile stretch of land that accommodated high levels of traffi c and environmental integrity. A local architect designed the substation, and a seven-mile bike path costing $900,000 has been built on top of the right of way, thanks to funding from the Pitkin County Open Space fund. Citizens of Snowmass currently take visitors to see their small, intimate and attractive substation.

The success of the substation and underground power line project is the result of Holy Cross Energy taking a collaborative approach to project approval. As the HCE team said after the approvals from both governments were fi nal, "In the end, we could have legally persisted and could have been the last one standing in a terrible fi ght. But this way, we all feel good about each other and the project, and we have built long term relationships and learned from each other — citizens, government and HCE. We at Holy Cross have enhanced our commitment as a co-op to 'listen to our membership.' 。

The original version of this article was published in 2006 by Electric Energy, an RMEL publication.

Community collaboration is the key

Wind Energy Development and Public Perception

BY JAMES A. KENT, KEVIN PREISTER, TRISH MALONE AND DAN WOOD

It is an understatement to say that wind energy development is gaining momentum. In fact, it is urgently needed as part of a suite of alternative energy futures that will contribute to freeing the world from its dependence on fossil fuels.

In recent years, public attention on wind energy has been unprecedented—from the energy plans of Al Gore to those of T. Boone Pickens; from the stimulus money for further wind development to new requirements in several states to include alternative energy development in their energy scenarios. The image of wind turbines in pastoral settings has now become a cultural icon for "green" living in our advertising and print media. The last several years have witnessed a proliferation of wind energy proposals and wind energy production around the country and in the world. Why then is there increasing opposition to wind energy development?

As with any new technology, there are unintended consequences built into the process of developing and delivering a product to market. Often lost in the excitement to move ahead are the social and cultural impacts on adjacent communities and the surrounding region that result from project site approvals for construction and transmission.

Fossil Fuel Energy Syndrome

Back in the 1970s when fossil fuel energy was being developed, the coal, oil shale and natural gas developers downplayed the consequences impacting communities and land, and often promoted the fact that they would "bring jobs" to the mostly rural areas. Most of these areas had cultures based on ranching, farming and recreational use of the land, all of which were considered a renewable economy passed on from one generation to the next. As a result, many projects were perceived by locals as extracting wealth from the land, damaging the landscape or ruining the local culture.

The companies' plans often called for the industrialization of the extraction sites with little understanding of what that meant to the local residents. There was a common attitude that, "hardly anyone lived there, anyway," and the energy companies were ultimately seen as outsiders. Their failure to negotiate with the local people for a long-range Community Benefi ts Package left a legacy of disappointment. Such an agreement would have mitigated some of the negative impacts of their projects and could have contributed to improving life for future generations.

Those projects seemed to epitomize the defi nition of the "externalization of social costs." The toll that these energy projects created led to a new movement to oppose such intrusions. Buoyed by federal regulations and national and local coalitions, a formal resistance organized to oppose energy projects that were considered potentially intrusive to the social and natural environment, often after negotiations to mitigate their impacts failed. From small communities to major national movements, lawsuits and the threat of lawsuits from a network of various advocacy groups grew to fi ght these industrialization projects, especially those that were perceived as potentially harmful to the social and physical environment within which they were located.

Public Resistance

What is less in the public eye, although not for long, is the accelerating successful resistance to wind energy proposals. For wind developers, the same reaction and resistance that occurred in fossil fuel extraction and its transport now block many wind energy projects. Many of the advocates, governmental agencies and developers of wind projects fall into a trap of believing that, because wind is a clean, alternative energy source, it will be welcomed with open arms by everyone, including the local people and their communities. Instead, what people see in the plans is an industrialization of their local area, regardless of whether it affects their own property.

Many rural and local communities by custom have designated certain areas where development of any kind is discouraged, like those sites used primarily for fi shing, hunting and family recreation. Or, it might entail a historical site important to local residents or an area that offers an inspiring view corridor.

Our company once encountered some major opposition to a project in the Peters Mountain area of West Virginia. A 765 kV electrical transmission line was designed to cross over the mountain—after it traveled more than 100 miles along the mountainside. Over a seven-year period, roughly 500 local families became actively involved in successfully opposing its construction. To these families, the mountain was practically sacred ground. There were several reasons for this. During the Great Depression, timber had been selectively harvested for construction of new family housing. For generations, funeral ceremonies were conducted at the community cemetery on the mountain top. There was also a tradition of holding Fourth of July picnics on the mountain, and it had provided good, clean water since the late 1700s. Peters Mountain was indeed a sacred place, and the developer was unprepared for this type of roadblock.[1]

Even if the energy companies were to take action and win approval in court, the cost associated with delays or the loss of goodwill and subsequent damage to the company's reputation could be staggering. If more applicants were to take time to learn about local traditions and customs before fi nalizing their development plans, minimizing costs could be a relatively simple process.

Learning from the Past

What is important for wind energy developers to realize, as well as local, regional and national governments, is that the very elements that spawned the resistance to fossil fuel extraction over the last 40 years not only remain in readiness, but have become institutionalized into the fabric of our society. For wind development to be successful, triggering past reactions must be avoided or prevented.

Yet, the method used to conceive and develop many wind energy proposals is still considered flawed, as decisions on the development schedule and how to proceed locally are often made by executives far away from the fi eld who have limited knowledge of what is important from a local social/cultural standpoint. If these local-site decisions are made without acknowledging the perceived social aspects and community impacts, approval by the local government may be in jeopardy. Looking at it in a different light, these local social and economic issues could even represent opportunities for a project applicant to show how the project's approval and implementation could help the community address issues that are important to them.

Wind energy companies often spend hundreds of thousands of dollars on wind testing, which includes securing permits and land leases, erecting meteorological towers and incurring agency administrative costs. Few of these companies spend even a fraction of this amount on issues-testing in a community,[2] even though alleviating those issues can easily propel a project to success. Those companies missed the opportunity to help maintain and enhance a healthy community and have suffered a blow to their reputation, as they are perceived as an intruder rather than a partner.

Peters Mountain in West Virginia was considered a sacred place by the local community.

Failure to address important community issues head-on enables external ideological organizations to enter the community and join (and perhaps lead) local citizens in opposing approval by focusing on these local wedge issues. National organizations can become more successful in halting a project by joining forces with local citizens, as opposed to merely speaking as an outsider in a public meeting about their organization's opposition based on its organization's philosophy or agenda. We see some of the same national groups which opposed fossil fuel developments now becoming involved in the wind energy battles—taking the action away from the local citizens, governments and the development company.

Addressing emerging issues at the local level relies on a bottom-up approach, which is designed to mobilize support through citizen participation and trustworthiness for the project. A decision-making process based on the corporate top-down structure is what typically leads to problems. Recognizing and correcting this is absolutely essential to avoiding confl ict.

Informal community-based meetings will uncover potential issues early in the process.

A Pathway to Success

An emerging new paradigm is characterized by widespread attention to public policy that integrates social-cultural, economic and ecological health considerations into project decisions. From institutions at the global level, to federal and state governments and local ordinances, these considerations are routinely acknowledged to be essential in determining long-term sustainability. Moreover, policies of social responsibility or social license are now routinely front and center within global corporations.[3]

The reality is that locals are generally inquisitive about a possible wind project when they fi rst hear of it, so it is critical to engage the local community in a participatory process early on. Citizens' fi rst questions are almost always about what benefi ts they will receive from the project. This is a fair and reasonable question that has often been answered inadequately. Wind companies in the past have been ill-prepared to go much beyond saying that, "It's good for America" or "it will create jobs." Local residents, especially those in Native American Tribes, tend to fi nd this hollow reasoning, given that they do not have an inexpensive direct energy source. If locals are to accept wind turbines on ridge tops where none existed before, then the individual, family and community benefi ts must be more explicitly recognized and implemented.

A review of past opposition to wind farm projects certainly confi rms an inadequate public participation component. Many projects have been delayed, suffered considerable added expense, or were denied altogether due to poorly managed public issues. Local wind developers have consistently given little attention to the public impacts of their projects as part of their initial plan, instead relying on having to sell the project to the public after a controversy has occurred.[4] At the confl ict stage, it is too late to expect citizens to get involved and help the project succeed. By then, advocacy groups have generally taken over, coaching the locals (who may be upset with the project design or its implementation impacts) on how to resist. This neglect of citizen participation at the front end of a project is an Achilles heel of wind energy development.

Our fi rm, James Kent Associates, has worked successfully with citizens for approval of a new Gas-Insulated Substation and its associated underground transmission line for electrical distribution in the resort village of Snowmass, Colorado, for Holy Cross Energy Company.[5] Although this was not a wind generation project, we faced highly skeptical citizens and a controversy created by outside vested interests. However, the approval process in this instance was ultimately successful because we used a citizen-designed issue resolution and mitigation process.

Using Strategic Methodology

It only makes good business sense to identify potential issues early, and focus on those that are known for affecting a project's success. Early testing for citizen issues must be undertaken before evaluating potential wind energy sites and transmission line corridors. A project's chance for success is based on engaging in place-based issue prevention and/or resolution so that citizens share and directly benefi t from the outcome of development. Wind energy proponents must recognize the need to hire qualifi ed citizen participation specialists to oversee this process openly during the design stage. At this stage, changes and mitigations can take place more easily and costly disruptions can be avoided altogether.

"...triggering past reactions must be avoided or prevented."

A strategic approach to mitigating community issues has been effectively used in some wind generation locations, such as Sherman County, Oregon where 25% of county revenues are now comprised of wind energy receipts. In addition, wind generation supports economic development programs in an agricultural county, providing needed income diversifi cation for area farmers. In this case, all parties are committed to buying local goods and services when possible. It is a partnership in which the wind company, the county government, the citizens and the communities of Sherman County all benefi ted from a citizen-based stewardship approach to wind development.[6]

To pave the way for these projects, early application of a few clear strategies can be undertaken. An effective strategic approach would include the following tactics:

1. Introduce the project as one that has community-based stewardship and fosters collaboration in fully addressing the health of the land and the people.

2. Schedule early, direct face-to-face contact with residents of the affected area through informal networks and natural gathering places—not in formal meetings.

3. Become informed about the social and culture characteristics of the project area, and determine whether the project warrants extensive testing among local citizens.

4. Identify and prioritize issues facing local residents. Take proactive steps to prevent a potential ambush by special-interest groups by staying linked to the key issues and the informal networks.

5. Determine which issues can be mitigated or managed by the project. Seek citizen participation and leverage project design improvements that directly optimize the local social, economic and ecological benefi ts while minimizing negative effects.

Conclusion

In spite of the seemingly chaotic picture that is emerging in wind development, there is at least one trend that seems to hold great promise. People who are affected by proposed wind projects are coming together locally to solve issues of common concern. It's a trend that has been gradually developing for more than a decade.

They are coming together not only to solve issues, but also to formulate plans and pursue common visions.

A commitment must be made to manage the long-term impacts, deal with local social and economic effects, and create strategies that allow communities to participate in absorbing the impacts of wind energy development. Without that commitment, resistance will continue and projects will become unreasonably costly or fail altogether. If long term confl ict on this issue becomes embedded in the approval and permitting process, as it did with fossil fuels, developing wind energy will needlessly become more diffi cult, more expensive or even prohibited. It does not have to be this way.

For the most part, people are concerned about their own back yards—the public and private lands surrounding their communities. These are the same lands they depend on for their livelihoods, recreation and quality of life. It is critical that wind developers understand the issues already present in these areas where wind machines and transmission corridors are planned if they are to succeed in making wind energy available on a large scale. Contributing to the ecological stewardship of the land and partnering with local communities are essential components to harmonious wind development projects. ₀

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