



Frequently Asked Questions on the National Interest Electric Transmission

Corridor Designation Process

Phase 3 FAQs

Phase 2/Preliminary List FAQs

Phase 1 FAQs

Guidance Document and Designation Process FAQs

Landowner and Land User FAQs

Where is DOE in the NIETC designation process?

NIETC designation is a four-phase process to ensure there is ample time for public engagement and environmental review before any final designation(s). The designation process initiated in December 2023 is currently in Phase 3.

During Phase 3, DOE will conduct a number of concurrent activities, including refining geographic boundaries of potential NIETCs; considering what level of environmental reviews under the National Environmental Policy Act (NEPA) and other applicable federal statutes are appropriate, if any, for each of the potential NIETCs; and conducting robust public engagement in potentially impacted communities to ensure ample opportunities for comment by potentially impacted communities and landowners. This may include virtual and in person public meetings and informal workshops.

These activities culminate in DOE releasing one or more draft designation reports and any required draft environmental documents. The public will have an additional opportunity to comment on these documents, as well as to participate in public meetings with DOE.

In Phase 4 of the NIETC designation process, DOE will issue one or more final NIETC designation reports and any required final environmental documents.

The [NIETC guidance](#) includes, in Appendix A, a representative timeline for the NIETC designation process based on the public comment periods in the guidance and DOE's standard two-year NEPA schedule for an environmental impact statement.

Has DOE ever made any final NIETC designations previously?

DOE has not made any final NIETC designations since the authority was granted by Congress in 2005.

Are there more detailed maps available of the potential NIETCs? When will more detailed maps become available?

DOE has publicly released [detailed maps of each of the three potential NIETCs moving to Phase 3](#), including underlying geographic information system data. Note that the geographic boundaries of a NIETC are not final until DOE issues a final NIETC designation report.

How does DOE plan to ensure landowners and communities are aware of potential NIETCs across or near their land with enough time to participate in the process?

Landowners can reach out to DOE at any time at NIETC@hq.doe.gov with any questions. As explained in the [NIETC guidance](#), DOE will also develop a public engagement plan for each potential NIETCs that it is continuing to consider in Phase 3. This plan will provide ample opportunities for comment by potentially impacted communities and landowners. This may include a series of virtual and/or in person public meetings near the proposed action, informal workshops, and dissemination of information via local newspaper and via other public engagement tools, all to ensure that public involvement is incorporated in a meaningful manner. DOE is also open to suggestions from the public at any time about how and where DOE should engage the public for those potential NIETCs that proceed to Phases 3 and 4.

To date, DOE announced Phases 1, 2, and 3 of the NIETC designation process in the Federal Register, via a DOE press release, with Congressional, state-level, and stakeholder organization briefings and notifications, on the DOE website, and through DOE newsletters and social media. DOE has engaged in stakeholder meetings and provided briefings upon request throughout Phases 1 and 2 as well.

How will I hear about any proposed transmission development in my area?

According to FERC, “[y]ou likely will first learn of a project through the State siting process. If you own property that may be affected by the project, you may first hear of it from the applicant as it

collects the environmental information or conducts surveys to support State or federal permit applications. Other stakeholders may first hear of a project from discussions with friends and neighbors, at a public meeting held by [FERC] or the applicant in your area, or through the outreach efforts of [FERC's Office of Public Participation]." For more information, please visit: [Electric Transmission Facilities Permit Process](#).

Will DOE use eminent domain authority to take land in a NIETC? What happens if I live in a NIETC after final designation?

NIETC designation does not confer any permits or authorizations to construct a transmission project, nor does designating an area as a NIETC result in any immediate transmission construction, use of eminent domain to acquire land, or impacts to existing land uses without further process. NIETC designation also does not guarantee that a developer within a NIETC will either be eligible to apply for a federal permit nor that the developer will receive a federal permit.

Overall, the federal government's authority to issue permits and to grant eminent domain authority for transmission projects is limited. DOE does not have this authority. Siting and permitting authority for all transmission facilities, including those located within NIETCs, begins with state and local siting authorities. The Federal Energy Regulatory Commission (FERC) has authority to issue federal permits for transmission facilities located within NIETCs, under Section 216(b) of the FPA, though FERC's authority is further limited to where a state does not have authority to site a transmission project or a state siting authority has not acted on an application to site a transmission project for over one year or has denied an application.

This means that transmission developers within a NIETC can only apply for a permit from FERC after state and/or local processes, and their ensuing public communication requirements, have

been initiated. Once a permit is granted then a court has to allow the exercise of eminent domain.

For more information on FERC and its authority and processes, please refer to the following resources:

- Electric Transmission Facilities Permit Process ([Electric Transmission Facilities Permit Process](#))
- Explainer on Siting Interstate Electric Transmission Facilities ([Explainer on Siting Interstate Electric Transmission Facilities](#))

To learn more about FERC authority and processes, you may also contact FERC's [Office of Public Participation](#) by phone or email at 202-502-6595 or OPP@ferc.gov.

Is a NIETC the same as a transmission right-of-way?

No, a NIETC is not the same as a transmission right-of-way. Any NIETC designation is expected to be wider than a typical right-of-way and it does not confer any right-of-way authorization or permit to construct a transmission project within the NIETC. Before a right-of-way can be authorized within a designated NIETC for a specific transmission project, a transmission developer must apply for permits from the appropriate authority, whether federal, state, or local, as they would for any transmission project. Transmission developers may obtain rights-of-way pursuant to the relevant permits granted for their specific project within a NIETC the same as if the transmission project were not within a NIETC. For example, this may be through negotiating contracts or easements with landowners.

Why are potential NIETC geographic areas larger than a typical transmission right-of-way?

Congress granted DOE the authority to designate geographic areas as NIETCs, as described in the responses above, where DOE finds that there is inadequate transmission in an area that is harming consumers (e.g., more frequent and longer power outages, high electricity rates). But it is up to market participants, transmission planning entities, state and local authorities, Tribal entities, and potentially FERC to determine the appropriate facilities to address the needs within any given NIETC. Therefore, the potential NIETC geographic areas are often broader than the size of a typical transmission right-of-way to provide flexibility in designing solutions to address the need that DOE has identified. This includes flexibility for transmission projects to respond to land use concerns by rerouting projects as needed for siting and permitting.

I've already worked with a transmission developer to negotiate a right-of-way easement on my property. Does NIETC designation undo what I have already agreed to with a transmission developer or otherwise change the scope of what I can and cannot do on my property?

NIETC designation does not impact any existing agreements among landowners and transmission developers within the NIETC. As discussed above, designating an area as a NIETC does not result in any immediate transmission construction, taking of land, or impacts to existing land uses without further process; those further processes are what determine the scope of a right-of-way easement.

After a transmission right-of-way or easement is negotiated or obtained, whether within a NIETC or not, the land can generally continue to be used in a number of ways. As discussed on FERC's "Electric Transmission Facilities Permit Process" webpage, "[t]he easement document, whether negotiated or obtained via court-ordered eminent domain, will specify any restricted uses on or across the right-of-way and any types of uses for which the transmission line operator's permission must be sought. Common restrictions for electric transmission rights-of-way include a

prohibition on growing trees that may interfere with the electric lines or placing structures within the right-of-way.” For more information, please visit: [Electric Transmission Facilities Permit Process](#).

What will be the height, width, and number of electric transmission lines constructed in NIETCs after DOE issues a final designation report?

It is up to market participants, transmission planning entities, state and local authorities, Tribal entities, and potentially FERC to determine the appropriate facilities to address the needs within any given NIETC. There is no particular height, width, or number of lines to reference for a particular NIETC.

What if my property or land that I use contains endangered species, wetlands, or archaeological sites?

During Phase 3 of the NIETC designation process, DOE will consider the presence of endangered species, wetlands, archaeological sites, and other resources within a geographic area prior to designating a NIETC.

When a transmission line is built, what other co-uses are allowed on that land along the transmission path and what co-uses are not allowed?

NIETC designation does not impact allowable co-uses of land. Co-uses for land along transmission rights-of-way is based on state or local restrictions as well as standards implemented to ensure safety and reliability for constructing and operating a transmission project. Generally, there are few restrictions except for the right-of-way itself. Agricultural activities such as farming of crops and cattle ranching are typically allowed on the right-of-way, depending on what is negotiated between the developer and landowner and what is allowed

under local regulations. As discussed on FERC’s “Electric Transmission Facilities Permit Process” webpage, “[c]ommon restrictions for electric transmission rights-of-way include a prohibition on growing trees that may interfere with the electric lines or placing structures within the right-of-way.” For more information, please visit: [Electric Transmission Facilities Permit Process](#).

Transmission development can also bring community benefits, such as connecting and expanding recreational paths, providing economic development opportunities, or hosting high-value conservation measures and ecosystem services, as agreed upon with private landowners and according to state and local regulations.

How is DOE working with transmission developers who are trying to build projects in NIETCs?

As part of DOE’s four-phase NIETC designation process, DOE has solicited information submissions and comments from a wide range of interested parties, including but not limited to transmission developers. One of the specific items that DOE requested is information on transmission projects under development. This information and awareness help DOE understand where a NIETC designation would be useful in helping to meet transmission needs. To be clear, NIETC designation does not constitute selection of nor preference for a specific transmission route or project for DOE funding purposes. Transmission developers within a NIETC may apply for DOE funding opportunities, and DOE will evaluate such applications based on the criteria for those funding opportunities.

General FAQs

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