



FERC Hydropower Re-Licensing Outreach Training

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Agenda

- Project Overviews
- Intro to FERC
- Processes for Re-Licensing
- ILP Pre- and Post-Filing
- TLP Pre- and Post-Filing
- Additional Topics
- Q/A





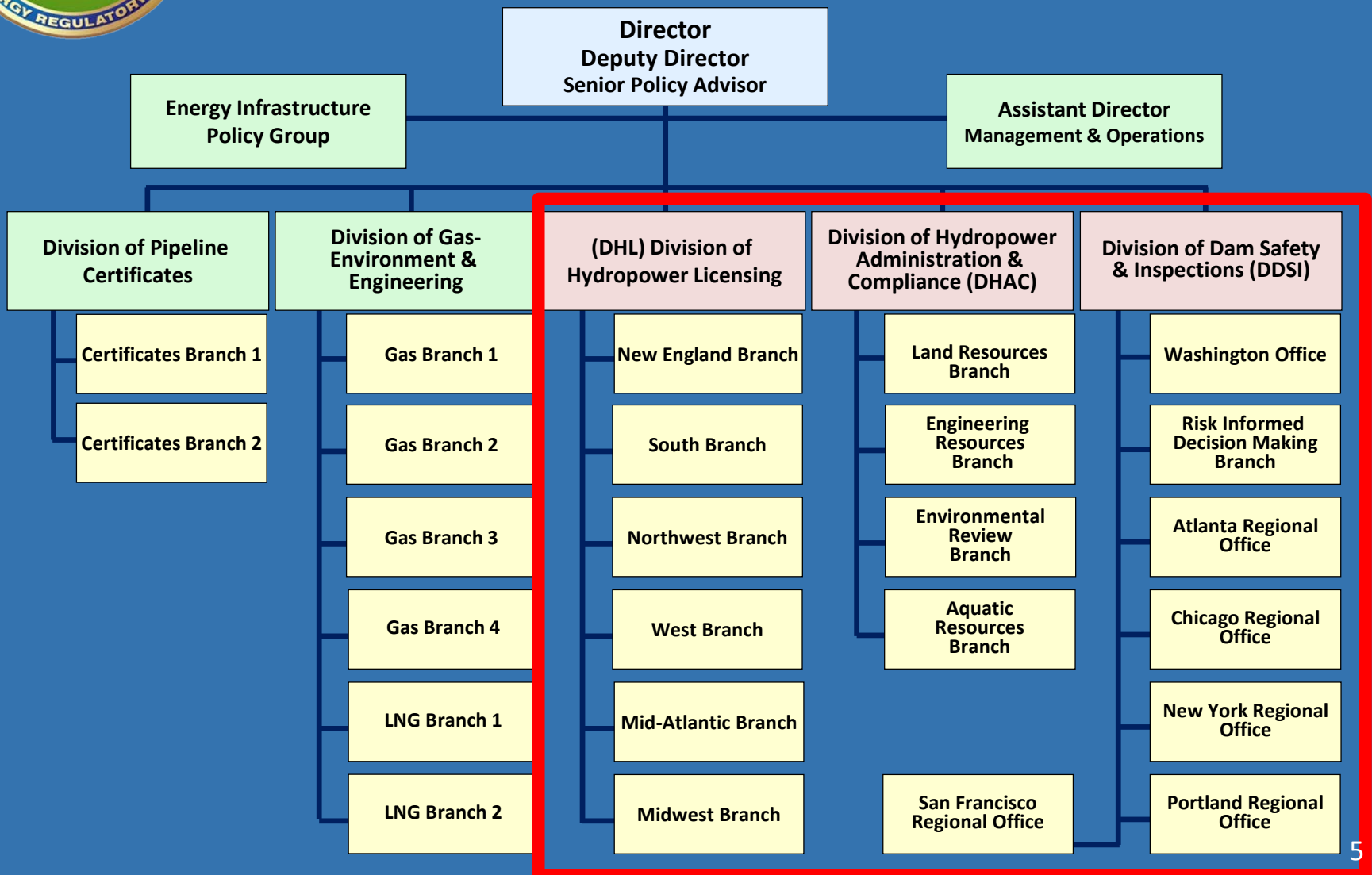
Overview of Montana Projects Coming up for Re-Licensing



Intro to FERC



FERC's Office of Energy Projects (OEP)



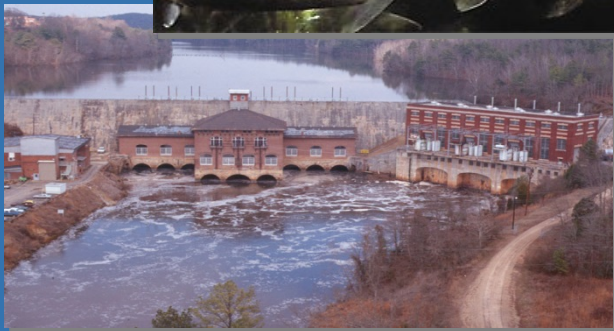


OEP's Hydropower Roles

- DHL: Issue licenses or exemptions to construct, operate, and maintain non-federal hydropower projects
- DHAC: Enforce the conditions of each license or exemption and conduct environmental inspections
- DDSI: Conduct dam safety inspections



Div. of Hydropower Licensing (DHL)



- Efficiently process applications
- Prepare and issue environmental documents
- Address agency, tribal, and public concerns fairly
- Analyze recommendations and incorporate reasonable conditions into licenses
- Equal consideration for environmental and developmental concerns



Licensing Process



Overview of Re-Licensing Process

- Starts 5 to 5 ½ years prior to license expiration
- Process split into pre- and post-filing stages
 - Pre-filing involves info gathering to inform the content of a license application
 - Post-filing involves FERC evaluation and decision on a filed application
- Three licensing processes available



Three Licensing Processes

Traditional Licensing Process (TLP)	Alternative Licensing Process (ALP)	Integrated Licensing Process (ILP)
Projects with less complex issues and study needs; no FERC oversight in pre-filing	Projects with effective, self-driven collaborative pre-filing process; some FERC involvement	Projects with complex issues and study needs; FERC oversight in pre-filing
Paper-driven process; no set timeframes	Collaboratively-determined schedule in pre-filing stage	Predictable scheduling in both pre-filing and post-filing stages
Available upon request and FERC approval	Available upon request and FERC approval	Default process



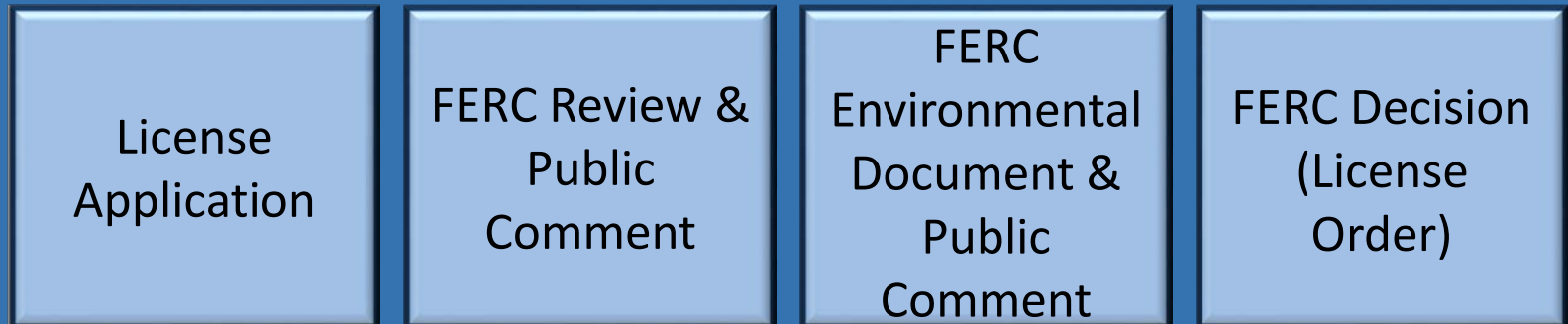
Integrated Licensing Process

Default

Pre-filing



Post-filing





Notice of Intent (NOI) and Pre-Application Document (PAD)

- NOI and PAD due 5 to 5 ½ years prior to license expiration
- Required contents (§5.5-5.6)
- Applicant may request to be non-federal Rep. for Endangered Species and Historic Preservation Act consultations
- If applicant wants to use ALP or TLP, must include request to do so



Scoping Meetings and Public Comment

ILP Pre-Filing

Applicant Files NOI/PAD

↓ 60 days

FERC Notices NOI/PAD for Public Comment, Requests for Studies, and Issues Scoping Document 1

↓ 30 days

Scoping Meetings and Site Visit Held

↓ 30 days

Scoping Comments and Study Requests Due



Study Planning

ILP Pre-Filing

Study Requests

↓ 45 days

Proposed Study Plan

↓ 90 days (Study Plan Meeting held within first 30 days)

Comments on Proposed Study Plan

↓ 30 days

Revised Study Plan

↓ 30 days (additional comments due within first 15 days)

OEP Director's Study Plan Determination



Study Dispute Resolution

- Mandatory conditioning agencies may dispute the determination for studies directly relating to the exercise of their conditioning authorities
 - Within 50 days of notice of dispute, a three-member panel of technical experts make recommendation to OEP Director
 - Within 70 days of dispute notice, OEP Director makes a decision on the dispute



Study Request Criteria

- Goals and objectives of study
- Relevant resource management goals
- Relevant public interest considerations
- Existing information; need for additional?
- Nexus to project operations and effects on resources
- Methodology; consistent with accepted practice?
- Estimates of effort and cost



Study Request/Comment Tips

- Be detailed
- Provide a clear nexus
- Be specific - clearly state what you're requesting and why you're requesting it (don't just list problems with what's being proposed/required)
- Explain how results will be used to inform the development of license requirements
- Don't just refile previously requested information – provide expanded explanations



Applicant Conducts Studies

ILP Pre-Filing

Initial Study Report Filed (1 year after Study Plan Determination)

↓ 30 Days

Study Report Meeting Held and Summary Filed

↓ 30 days

Comments Filed

↓ 30 days

Applicant Responses Filed

↓ 30 days

OEP Director Resolves Disagreements/Amends Study Plan (if needed)



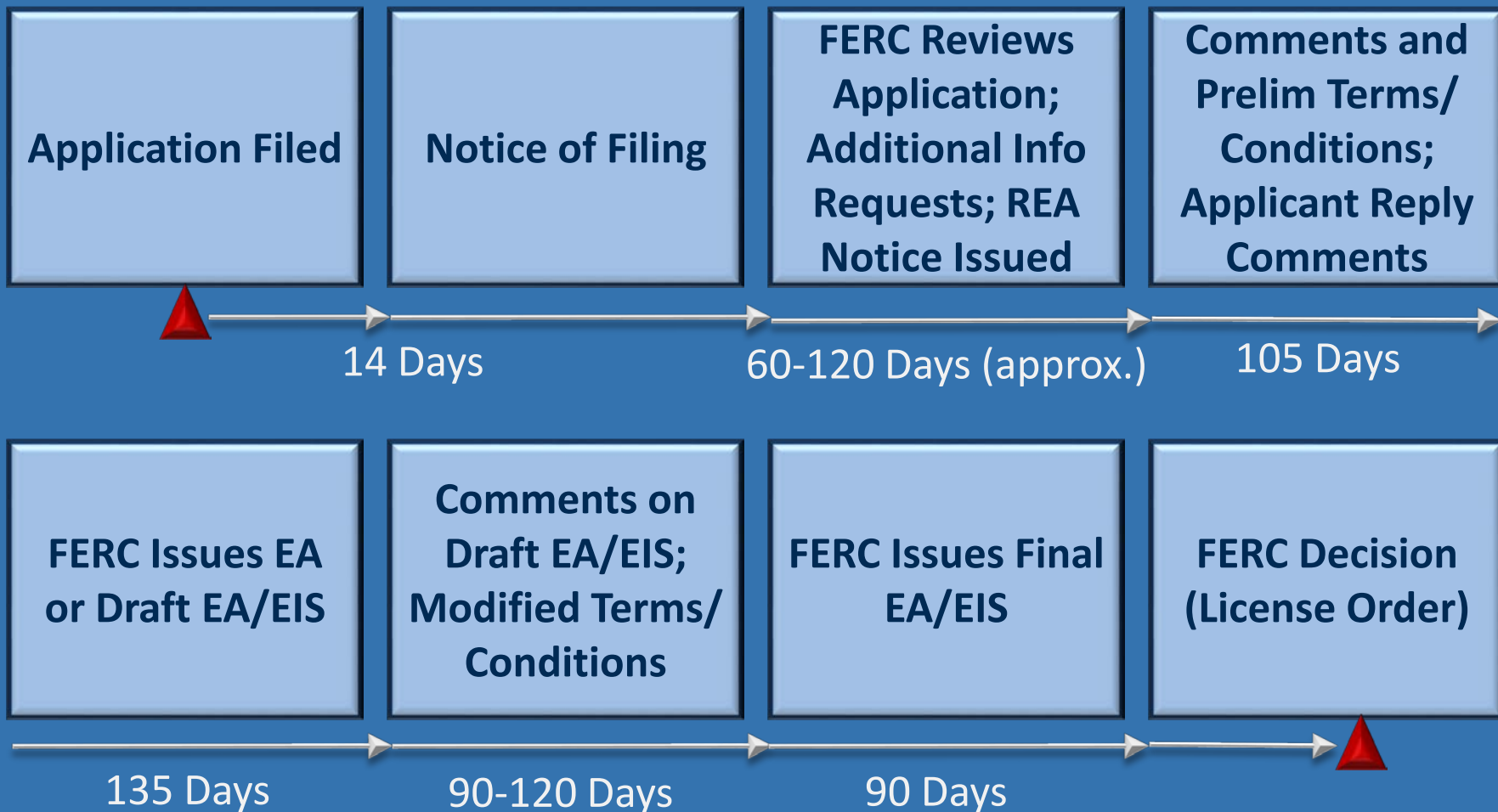
Applicant Prepares Application

ILP Pre-Filing

- Preliminary Licensing Proposal (PLP) or Draft License Application (DLA) filed no later than 150 days before license application due
 - PLP describes existing and proposed facilities and operation, draft environmental analysis by resource area, and study results
 - DLA would include additional elements needed for license app
 - Applicant may include other elements required for consultation (i.e., draft Biological Assess or Draft Historic Prop Mgt Plan etc)
- Comments due within 90 days of filing
- License Application filed no later than 2 years prior to license expiration



ILP Post-Filing Process



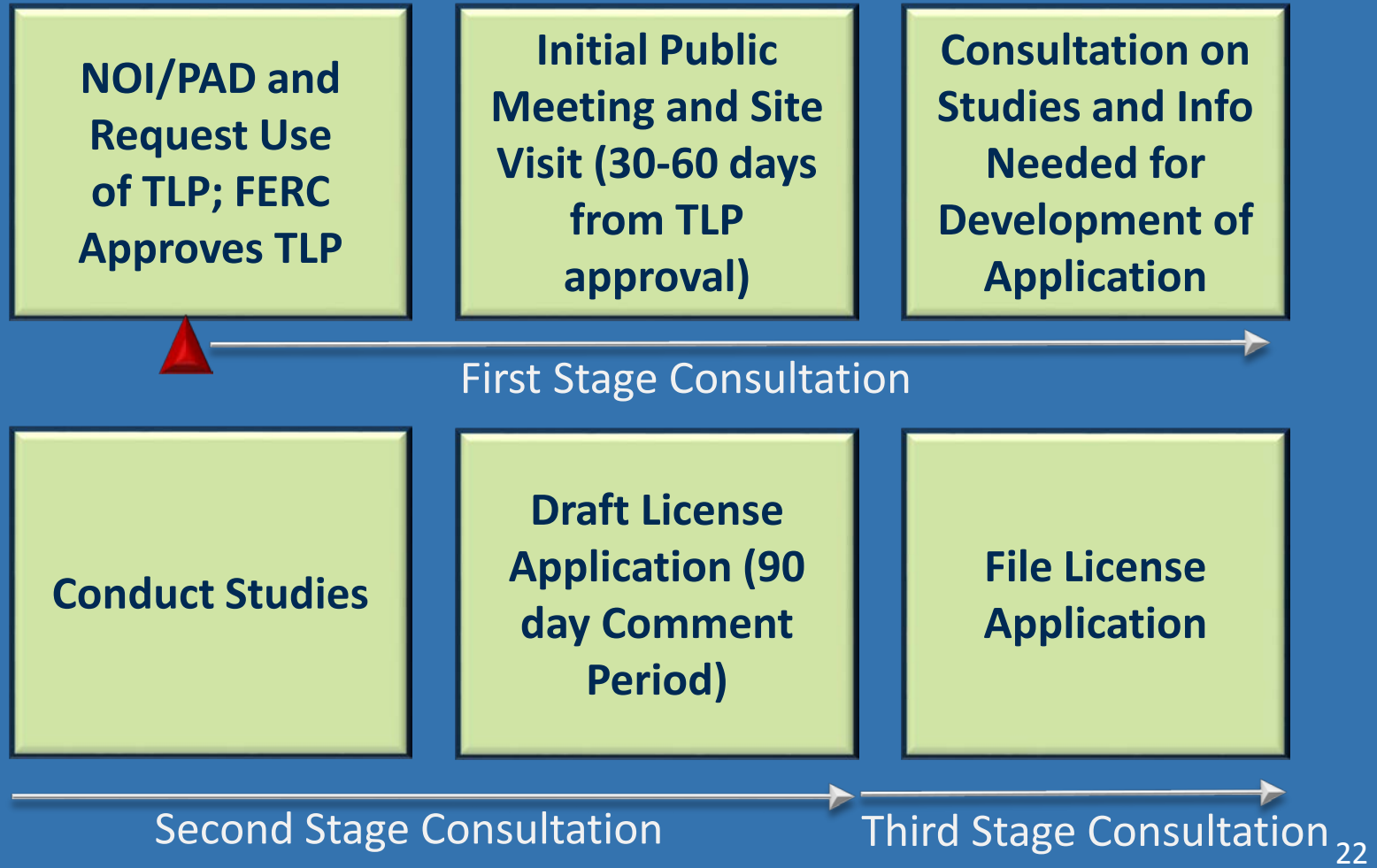


Key Elements of the ILP

- Process plan with timeframes set by regulation
- Early scoping and study plan development with FERC involvement
- FERC-approved study plan and, if needed, study plan dispute resolution
- Feedback-loop on studies
- Defined timeframes for FERC completing its NEPA analysis post-filing

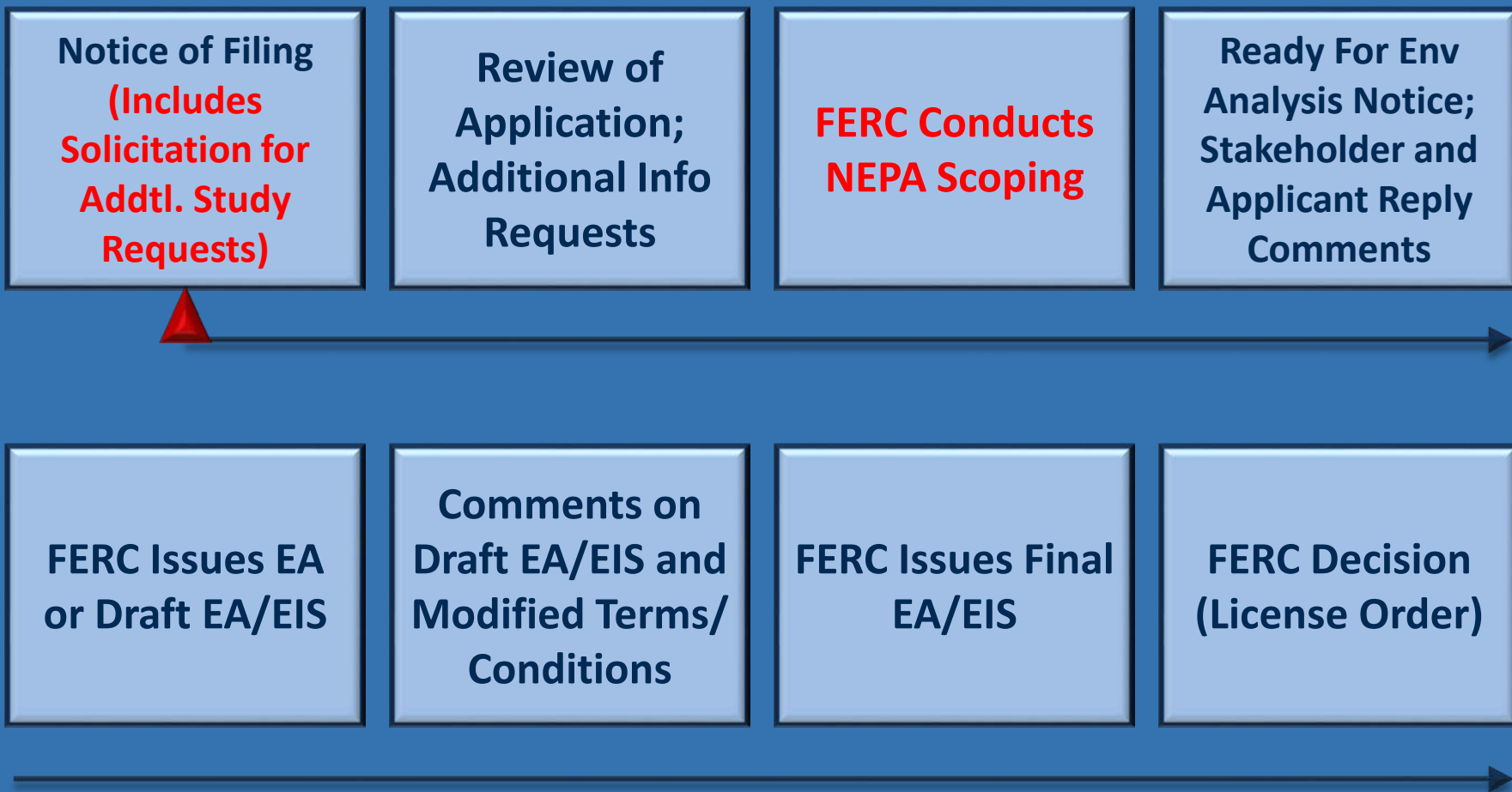


TLP Pre-Filing Process





TLP Post-Filing Process





License Term Policy

Commission's new policy (Oct. 2017):

- 40-year default for original & new licenses
- FERC will consider greater/lesser term:
 - ✓ To coordinate license terms for projects in the same river basin
 - ✓ Defer to explicit term in settlement agreement
 - ✓ For significant measures in new license or voluntarily implemented in existing license



Project Boundary - basics

- Project boundary: the geographic extent a licensee must own or control for licensed project purposes
- Land ownership not required, provided licensee holds all necessary interests (e.g. easement) or permits to carry out project purposes
- Boundary includes all lands, waters, works, and facilities comprising the licensed project
- Project effects can extend beyond boundary



Project Boundary - details

- Boundary must enclose only those lands:
 - Necessary for operation and maintenance
 - Necessary for other project purposes (e.g., rec, shoreline control, or resource protection)
- Located no more than 200 feet from the exterior margin of the reservoir except where additional lands are necessary for project purposes.
- Separate boundaries can enclose satellite project “islands” (e.g. remote recreation facility)



Environmental Baseline

- Environment as it exists at the time of relicensing, not pre-project conditions
- However, available knowledge of pre-project conditions may help inform FERC's judgement concerning appropriate mitigation and enhancement measures



Q/A