Federal Energy Regulatory Commission

Two-Year Licensing Process Workshop

Tuesday, October 22, 2013
12:00 p.m. – 4:00 p.m. (EDT)

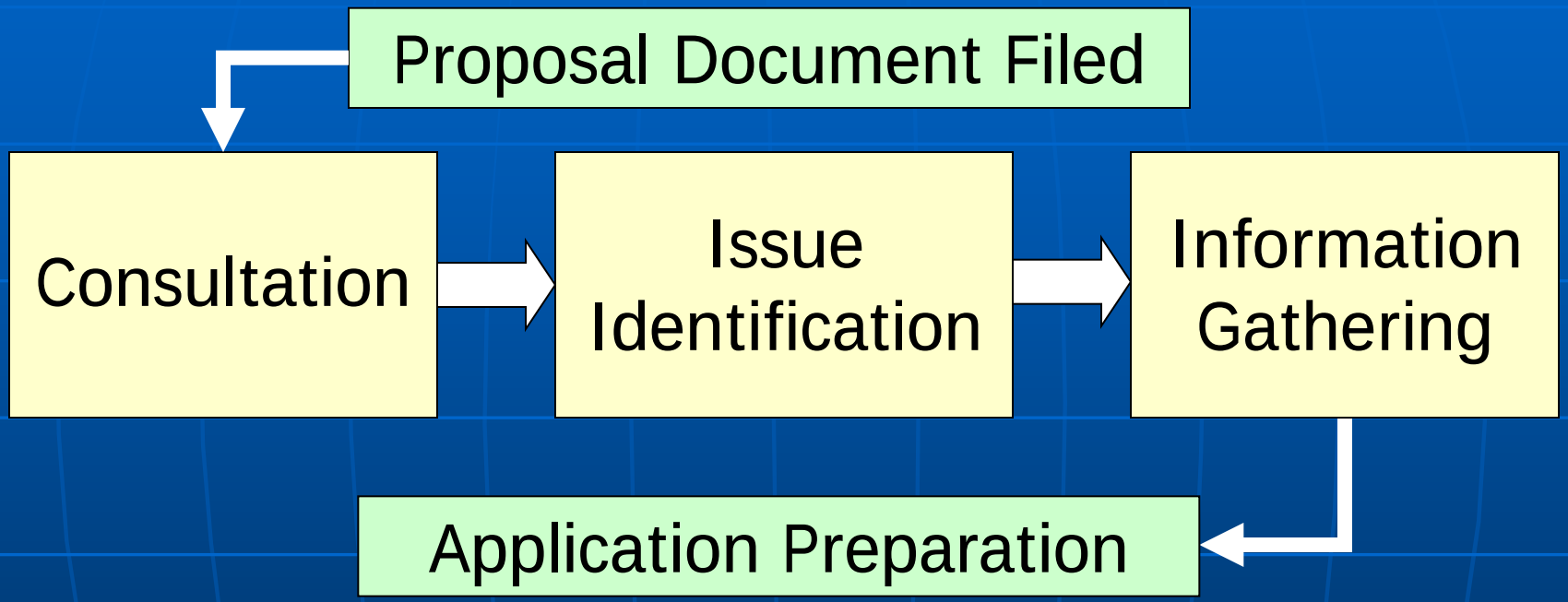
Section 6 Hydropower Regulatory Efficiency Act

- August 9, 2013 - enacted
- October 22, 2013 - initial workshop
- February 5, 2014 - two-year pilot projects begin
- February 5, 2017 - final workshop
- April 6, 2017 - report to Congress

<u>If two-year process is not practicable:</u>

- April 6, 2014 - report to Congress

Licensing Steps: Pre-filing



Licensing Steps: Post-filing

Licensing Process: Statutory Requirements

- Federal Power Act (FPA) section 9(a)(1) – maps, plans, specifications, and costs
- FPA section 10(a)(3) – terms and conditions
- FPA sections 4(e), 18, and 30(c) – mandatory conditions
- FPA section 10(j) – fish and wildlife recommendations

Licensing Process: Statutory Requirements

Other Federal Statutes

- National Environmental Policy Act
- Clean Water Act section 401(a)(1)
- Endangered Species Act section 7
- National Historic Preservation Act section 106
- Coastal Zone Management Act section 307(c)(3)(A)
- Magnuson-Stevens Act section 305(b)

Factors That Can Lengthen Process Time

- Studies and information gathering
- Deficiencies and additional information requests
- Surprise issues that require new or additional information
- Delays receiving other needed authorizations (e.g. water quality certifications or endangered species act consultations)

Actions Implemented to Shorten Pre-filing Process Time

- Site selection
- Developers conduct early coordination and consultation with agencies and stakeholders
- FERC provides templates and checklists
- FERC conducts a comprehensive review of draft applications

Actions Implemented to Shorten Post-filing Process Time

- FERC waives scoping
- FERC combines the acceptance and REA notice
- FERC shortens deadlines for filing comments, interventions, or terms and conditions
- FERC issues a single EA
- FERC issues the EA and order together

Process Times for Recently Authorized Projects

- 26 projects authorized at non-powered dams
- No closed-loop pumped storage projects authorized
- 23 of the applications were prepared using the TLP, 1 using the ALP, and 2 using the ILP

Process Times for all 26 Projects

	Number of Years	
	Average	Range
Pre-filing	1.5	0.3 - 3.6
Post-filing	1.5	0.2 - 2.9
Pre- and Post-filing	3.0	1.2 - 5.2

Process Times for 14 Licenses

	Number of Years	
	Average	Range
Pre-filing	1.6	0.3 - 3.6
Post-filing	1.8	1.0 - 2.9
Pre- and Post-filing	3.5	2.0 - 5.2

Process Times for 12 Exemptions

	Number of Years	
	Average	Range
Pre-filing	1.4	0.5 - 3.0
Post-filing	1.2	0.2 - 1.9
Pre- and Post-filing	2.6	1.2 – 3.9

Investigating the Feasibility of a Two-Year Process

- Is a two-year process feasible?

Investigating the Feasibility of a Two-Year Process

- What pre-filing process steps can be eliminated, shortened, or combined?

Investigating the Feasibility of a Two-Year Process

- What post-filing process steps can be eliminated, shortened, or combined?

Investigating the Feasibility of a Two-Year Process

- In a two-year process, how much time should be allotted to pre-filing versus post-filing?

Investigating the Feasibility of a Two-Year Process

- What, if any, process modifications are needed to account for mandatory conditions and other agency authorizations (e.g., sections 4(e) and 18 of the FPA, 401 certifications, ESA consultation)? What about fish and wildlife recommendations made under section 10(j) of the FPA?

Investigating the Feasibility of a Two-Year Process

- Could memorandums of understanding between FERC and federal or state agencies help expedite processing?

Investigating the Feasibility of a Two-Year Process

- Are there economic factors that affect the practicality of a two-year process?

Investigating the Feasibility of a Two-Year Process

- Does the type of project (i.e., non-powered dam versus closed-loop pumped storage) affect the steps included in a two-year process?

Investigating the Feasibility of a Two-Year Process

- Should there be a single, standard two-year process, or should developers be allowed to propose unique, project-specific processes?

Investigating the Feasibility of a Two-Year Process

- Is a two-year process needed for exemptions from licensing, or are existing procedures adequate for expedited processing of these projects?

Factors and Criteria for Identifying Pilot Projects

- What project design or siting criteria should be met to be eligible to use a two-year process? Would the same criteria apply to projects at non-powered dams and closed-loop pumped storage projects?

Factors and Criteria for Identifying Pilot Projects

- What environmental criteria should be met to be eligible to use a two-year process? Would the same criteria apply to projects at non-powered dams and closed-loop pumped storage projects?

Factors and Criteria for Identifying Pilot Projects

- In order for a project to qualify for a two-year process, should there be agreement on, and limits to, the need to develop new information?

Factors and Criteria for Identifying Pilot Projects

- Are there certain types of issues that should preclude a project from being eligible for a two-year process?

Factors and Criteria for Identifying Pilot Projects

- Are there developers that will be ready to begin testing a two-year process by February 5, 2014?

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Written comments are due by
November 21, 2013

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Thank you!