

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Panel Member List for Hydropower
Licensing Study Dispute Resolution

Docket No. AD19-4-000

NOTICE REQUESTING APPLICATIONS FOR PANEL MEMBERS FOR
HYDROPOWER LICENSING STUDY DISPUTE RESOLUTION

(October 22, 2018)

This notice requests applications from those interested in being listed as potential panel members to assist in the Federal Energy Regulatory Commission's (Commission) study dispute resolution process for the integrated licensing process (ILP) of hydropower projects.

BACKGROUND

The Commission's ILP regulations pertaining to hydroelectric licensing under the Federal Power Act encourages informal resolution of study disagreements. In cases where this is not successful, a formal study dispute resolution process is available for state and federal agencies or Indian tribes with mandatory conditioning authority.¹

The ILP provides that the disputed study must be submitted to a dispute resolution panel consisting of a person from Commission staff, a person from the agency or Indian tribe referring the dispute to the Commission, and a third person selected by the other two panelists from a pre-established list of persons with expertise in the disputed resource area.² The third panel member (TPM) will serve without compensation, except for certain allowable travel expenses to be borne by the Commission (41 CFR Part 301).

The role of the panel members is to make a finding, with respect to each disputed study request, on the extent to which each study criteria set forth in the regulations is or is not met,³ and why. The panel will then make a recommendation to the Director of the Office of Energy Projects based on the panel's findings.

¹ See 5.14 of the final rule at <https://www.ferc.gov/industries/hydropower/indus-act/order-2002.asp>.

² These persons must not be otherwise involved with the proceeding.

³ See 5.9 of the final rule.

TPMs can only be selected from a list of qualified persons (TPM list) that is developed and maintained by the Commission. This notice seeks additional members for the TPM list, which was originally compiled in 2004, 2010, and 2015. Current members of the TPM list do not need to reapply, but are encouraged to update their qualifications and contact information, if not current. Each qualified panel member will be listed by area(s) and sub-area(s) of technical expertise, for example Aquatic Resources—instream flows. The TPM list and qualifications will be available to the public on the Commission's website. All individuals submitting their applications to the Commission for consideration must meet the Commission's qualifications.

APPLICATION CONTENTS

The applicant should describe in detail his/her qualifications in items 1-4 listed below.

1. Technical expertise, including education and experience in each resource area and sub-area for which the applicant wishes to be considered:
 - Aquatic Resources
 - water quality
 - instream flows
 - fish passage
 - macroinvertebrates
 - threatened and endangered species
 - Terrestrial Resources
 - wildlife biology
 - botany
 - wetlands ecology
 - threatened and endangered species
 - Cultural Resources
 - Recreational Resources
 - recreational flows
 - Land use and Aesthetics
 - shoreline management
 - Geology & Soils
 - geomorphology
 - erosion
 - Socio-economics
 - Engineering
 - civil engineering
 - hydraulic engineering
 - environmental engineering

2. Knowledge of the effects of construction and operation of hydroelectric projects.
3. Working knowledge of laws relevant to the expertise, such as: the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, the Wild and Scenic Rivers Act, the Federal Power Act, or other applicable laws.
4. Ability to promote constructive communication about a disputed study.

HOW TO SUBMIT APPLICATIONS

Applicants must submit their applications along with the names and contact information of three references. Applications will be evaluated as they are received, and each applicant will be individually notified of the Commission's decision.

DATE: Applications are requested by January 31, 2019. However, the application period will remain open indefinitely to maintain a current listing of potential applicants.

ADDRESS: Applications must be filed electronically. See the instructions on the Commission's website (<https://www.ferc.gov/docs-filing/efiling.asp>). Applications should reference "Docket No. AD19-4-000, NOTICE REQUESTING APPLICATIONS FOR PANEL MEMBER LIST FOR HYDROPOWER LICENSING STUDY DISPUTE RESOLUTION".

OTHER INFORMATION: Complete individual contact information must be provided. However, contact information for the applicant and their references may be filed as "privileged". See the instructions on the Commission's website at <https://www.ferc.gov/docs-filing/efiling.asp>.

FOR FURTHER INFORMATION CONTACT:

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