

# **Integrated Licensing Process**

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WASHINGTON D.C.  
(VIA FT. COLLINS, CO)**

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BLM PUMPED STORAGE WORKSHOP**



“There are known knowns. These are things we know that we know. There are known unknowns. That is to say, there are things that we know we don't know. But there are also unknown unknowns. There are things we don't know we don't know.”

Donald Rumsfeld

# Overview

- FERC regs
- ILP process concepts
- ILP Flow Chart
- Focus areas

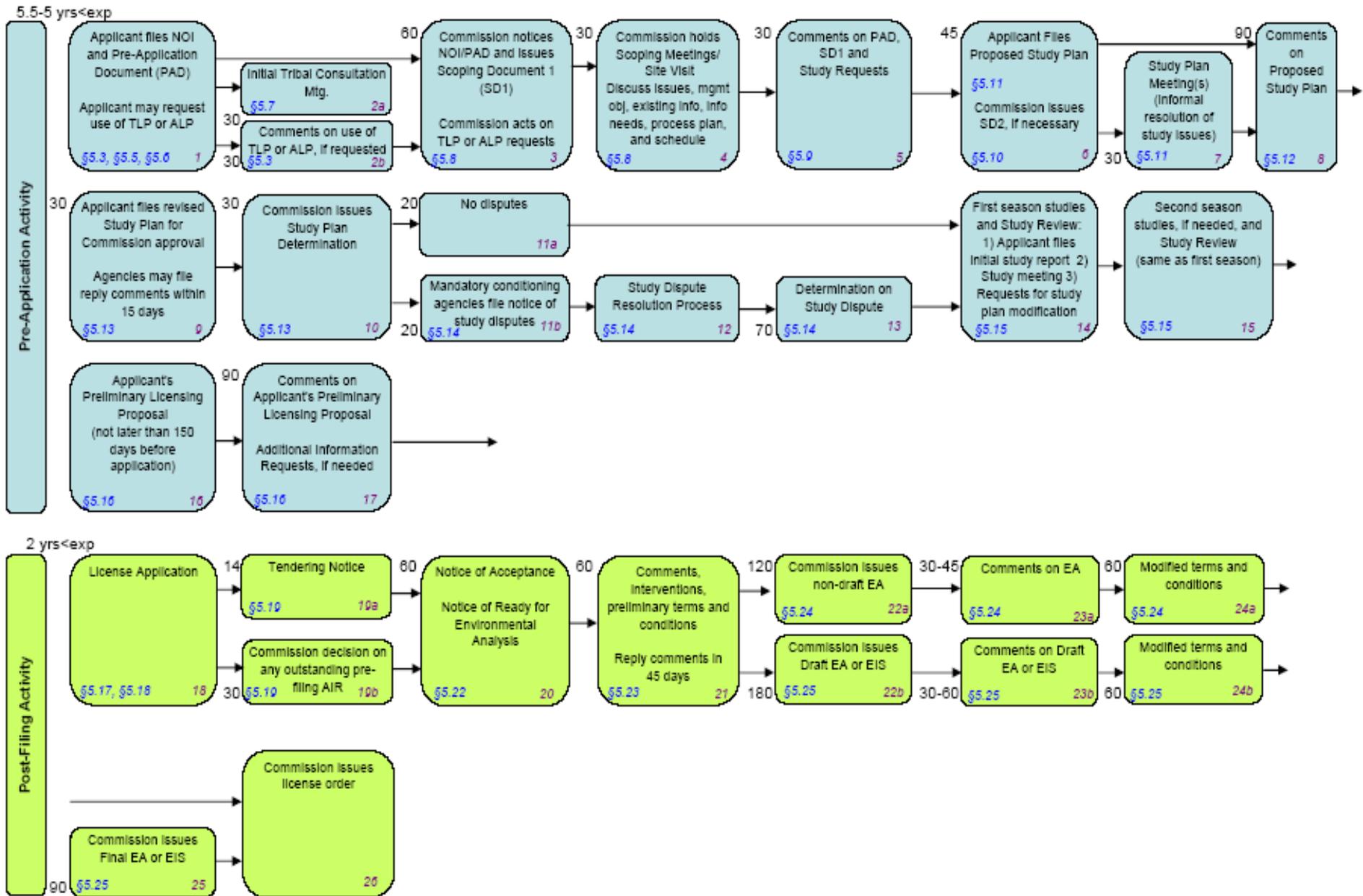
# “Default process”

- FERC adopted the ILP on July 23, 2005 as the default process for filing an application for an original, new, or subsequent license ( 18 CFR Part 5)
- Must petition the Commission to use the Traditional or Alternative Processes
- FERC motivated by increased collaboration in the TLP

# Fundamental Principals

- Early issue identification and resolution of studies needed to fill information gaps, thus avoiding studies post-filing
- Integration of state and federal agency and tribal permitting process needs, including the Commission's scoping pursuant to the NEPA, the license applicant's pre-filing consultation, and federal and state permitting needs such as water quality certification pursuant to section 401 of the Clean Water Act and Endangered Species Consultation
- Established timeframes to complete process steps for all stakeholders, including the Commission staff

# Integrated Licensing Process Final Rule



# Pre-Filing

- Applicant files NOI and Pre-Application Document (PAD) (18 CFR §5.3, §5.5, §5.6)
- Commission notices NOI/PAD and issues Scoping Document 1 (SD1) (**60** days to steps 3) (18 CFR §5.8)
- Commission holds Scoping Meetings/ Site Visit and Discuss issues, management objectives, existing info, info needs, process plan, and schedule (**30** days to step 4) (18 CFR §5.8)
- Comments on PAD, SD1 and Study Requests (**45** days to step 5) (18 CFR §5.9) – **FORMAL COMMENT**
- Applicant Files Proposed Study Plan(18 CFR §5.11) (**90** days to step 8) (30 days to step 7) (18 CFR §5.10)
- Study Plan Meeting(s) (informal resolution of study issues) (**60** days to step 8) (18 CFR §5.11)
- Comments on Proposed Study Plan (**30** days to step 9) (18 CFR §5.12) – **FORMAL COMMENT**

# Pre-Filing (cont)

- Applicant files revised Study Plan for Commission approval - Agencies may file reply comments within 15 days (30 days to step 10) (18 CFR §5.13) – **FORMAL COMMENT**
- Commission issues Study Plan Determination (20 days to step 12) (18 CFR §5.13) – **FORMAL COMMENT** if dispute SPD
- Study Dispute Resolution Process (70 days to step 13) (18 CFR §5.14)
- Determination on Study Dispute (18 CFR §5.14)
- First season studies and Study Review: 1) Applicant files initial study report 2) Study meeting 3) Requests for study plan modification (18 CFR §5.15)
- Second season studies, if needed, and Study Review (same as first season) (18 CFR §5.15)

# Post-Filing

- License Application (14 days to step 19a or 30 days to step 19b) (18 CFR §5.17, §5.18)
  - a. Tendering Notice (60 days to step 20) (18 CFR §5.19)
  - b. Commission decision on any outstanding pre-filing AIR(60 days to step 20) (18 CFR §5.19)
- Notice of Acceptance and **Notice of Ready for Environmental Analysis (REA)** (**60 days** to step 21) (18 CFR §5.22)
- Comments, Interventions, preliminary terms and conditions (**60 Days** to Step 21) (18 CFR §5.19) **–MAJOR EFFORT!!!!**
  - a. Parties submit alternatives [FERC may refer conditions to FERC's Dispute Resolution Service] (15 days to step 22 OR 22a)
  - b. Parties request trial-type hearing [FERC may refer conditions to FERC's Dispute Resolution Service] (15 days to step 22 or 22a)

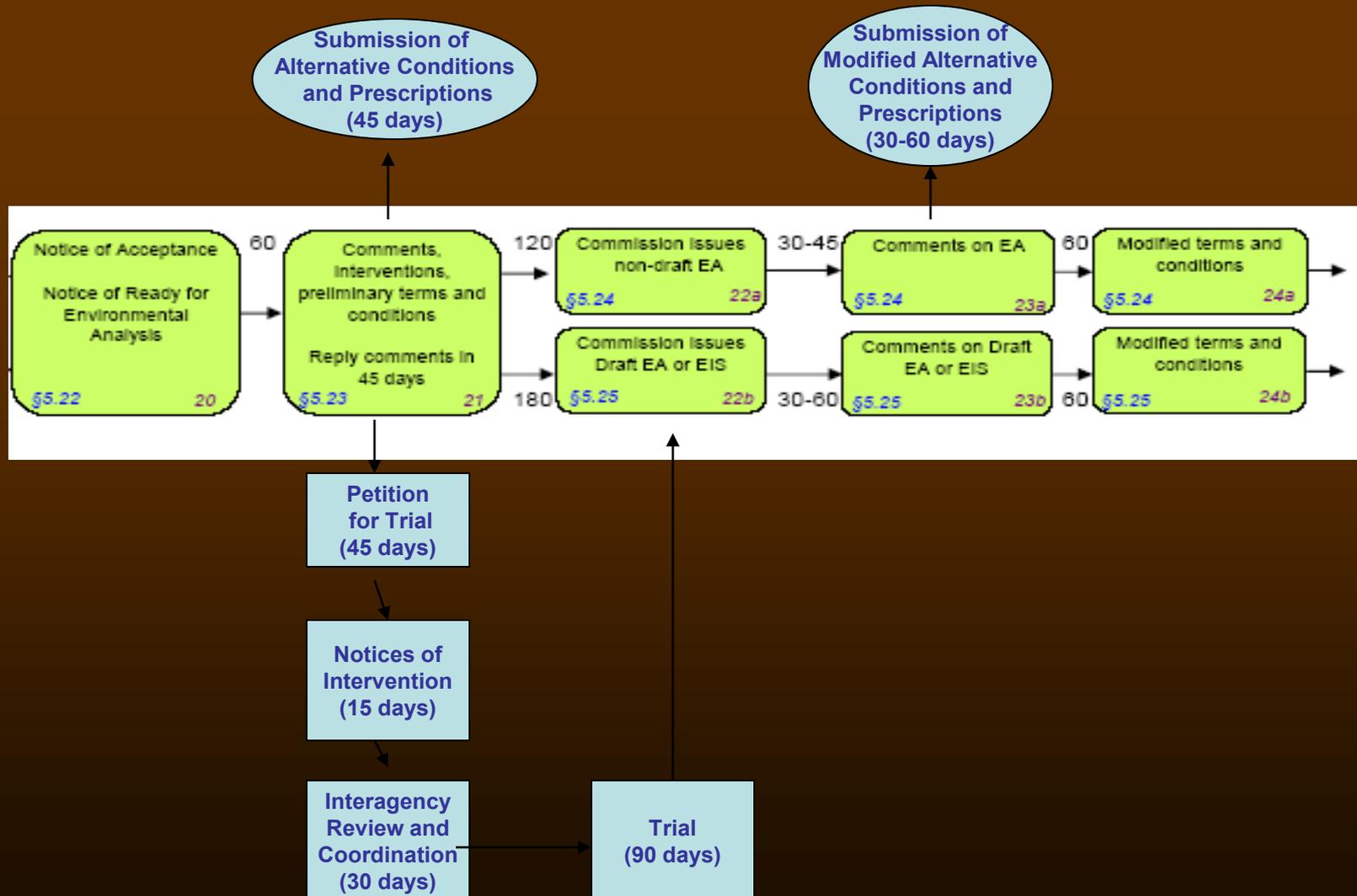
# Post-Filing (cont)

- Reply comments (75 days to step 23a or 135 days to step 23b) (18 CFR §5.23)
  - a. **Interventions and responses** [FERC may refer conditions to FERC's Dispute Resolution Service] (**30 days** to 22b) - **FORMAL FILING**
  - b. Agency response to trial-type hearing [FERC may refer conditions to FERC's Dispute Resolution Service] (5 days to step 22c)
  - c. Agency hearing referral [FERC may refer conditions to FERC's Dispute Resolution Service] (90 days to step 23c)
- - a. Commission issues non-draft EA (30-45 days to step 24a) (18 CFR §5.24)
  - b. Commission issues Draft EA or EIS (30-60 days to step 24b) (18 CFR §5.25)
  - c. Trial-type hearing decision [FERC may refer conditions to FERC's Dispute Resolution Service]
- - a. Comments on EA (60 days to step 25a) (18 CFR §5.24)
  - b. Comments on Draft EA or EIS (60 days to step 24b) (18 CFR §5.25)
- - a. Modified terms and conditions (18 CFR §5.24)
  - b. Modified terms and conditions based on any hearing decision, comments, and proposed alternatives (90 days to step 25) (18 CFR §5.25)
- Commission issues Final EA or EIS (18 CFR §5.25)
- Commission issues license order(18 CFR §5.25)

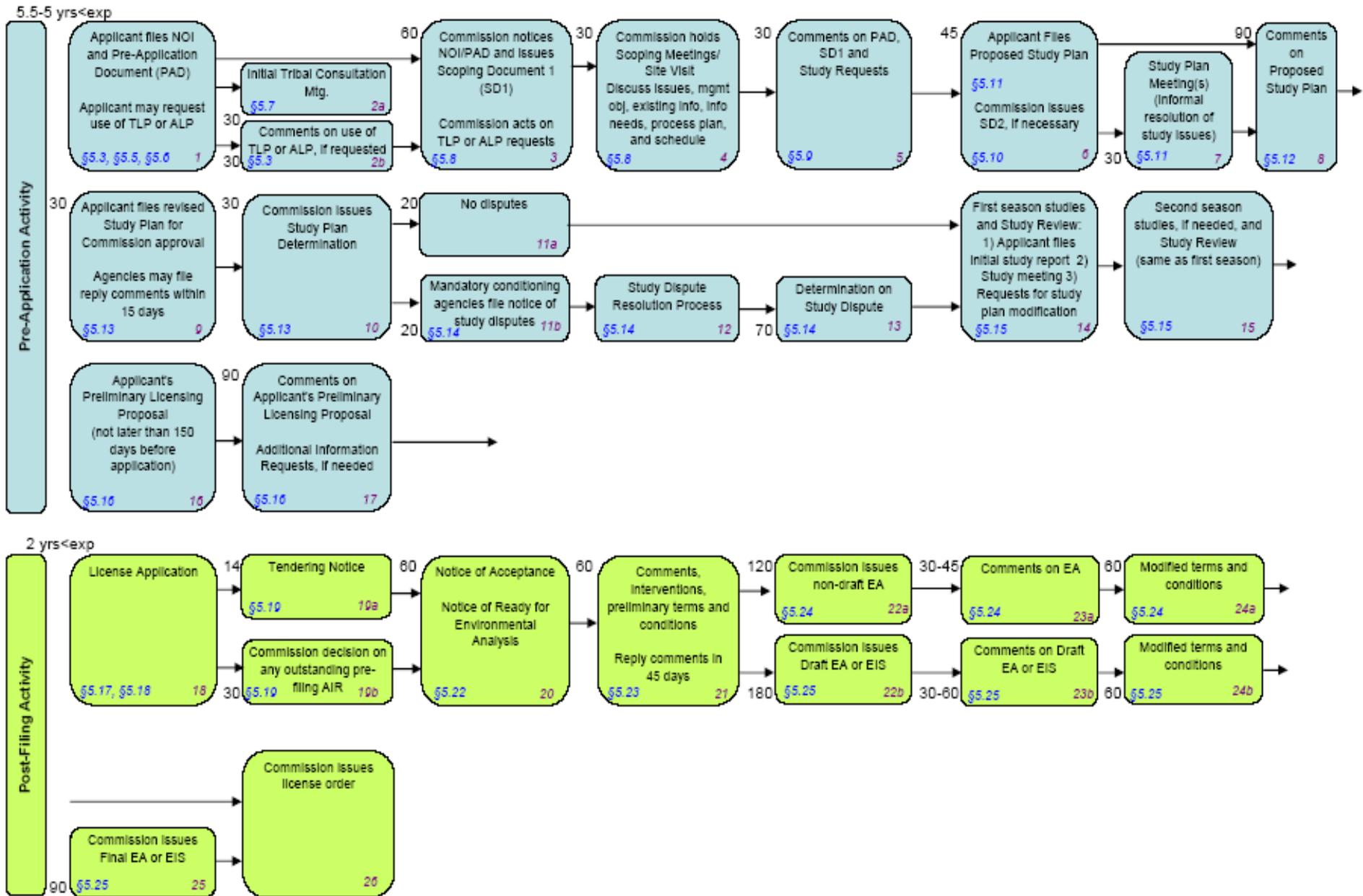
# EPA Act 2005

- Added more “things to do” in the Post-filing process
- Details first thing tomorrow morning

# FERC Process, Agency Trial Process and Submission of Alternative Conditions



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# Focus Areas

- Your role and responsibilities
- Pre-Application Document (PAD)
- Studies & Dispute Resolution
- Post-filing (comments & conditions)

# Questions?

