

# Assessment of the ILP for Licensing Hydropower Projects

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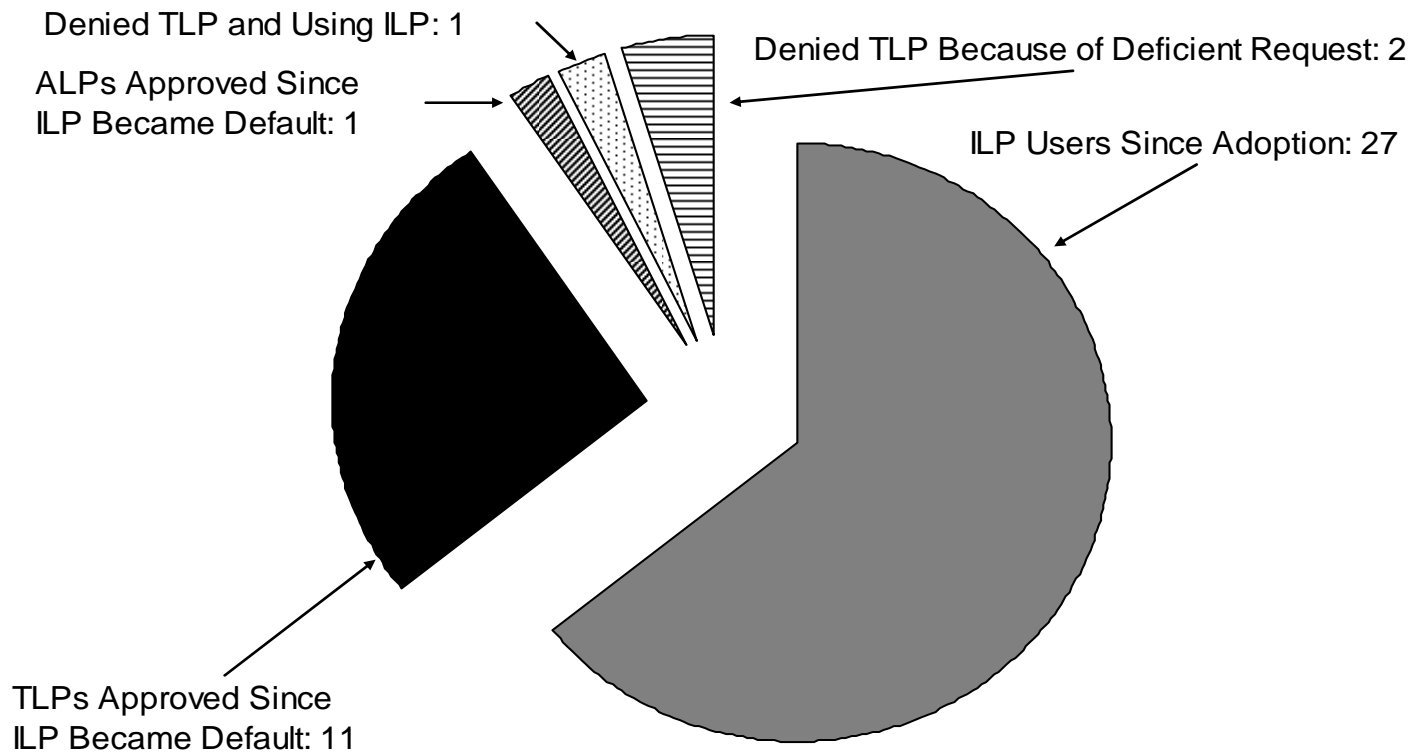
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# Objectives

- Obtain feedback through interviews from applicants on the pros and cons of the ILP process
  - Detailed/standardized interview forms
- Explore why some applicants have requested FERC approval to use the TLP or ALP in lieu of the ILP

# Applicants using various FERC licensing processes



FERC is currently considering two additional non-ILP requests: one ALP and one TLP

# Number of applicants interviewed

- ILP = 15 (out of 27)
- TLP = 5 (out of 11)
- ALP = 1 (out of 1)

❖ TLP and ALP users only since ILP became default

# Interview Results: ILP

# Key factors in applicants' decisions to use the ILP

- Rigorous schedule improves efficiency
- Early NEPA scoping necessitates early stakeholder engagement/issue identification
- FERC study criteria/early FERC involvement
- Shorter overall timeline
- More collaborative process

# Key factors in applicants' decisions to use the ILP (continued)

- TLP liability: issues identified at end of process
- Negative feedback from ALP users
- Information in PAD will help avoid new studies
- Gain experience with ILP for subsequent, bigger projects
- Attempted to use TLP but were denied by FERC
- The ILP is the default FERC process

# Positive aspects of the ILP

<b>Aspect</b>	<b>Frequency of Response</b>
Early stakeholder involvement/issues identification (NEPA scoping)	10
Structure and rigor of schedule	6
Active/early involvement of FERC	5
FERC study criteria	4

# Negative aspects of the ILP

<b>Aspect</b>	<b>Frequency of Response</b>
Demands of schedule	7
Stakeholders ignore requirements	3
Stakeholder uncertainty/process complaints	3
Difficult to complete field studies on time	2

# Negative aspects of the ILP (continued)

<b>Aspect</b>	<b>Frequency of Response</b>
Process too long/cumbersome for small projects	2
Errors in FERC study determination	1
Time limited for developing PME's	1
Stakeholders request more information at the end of the process	1

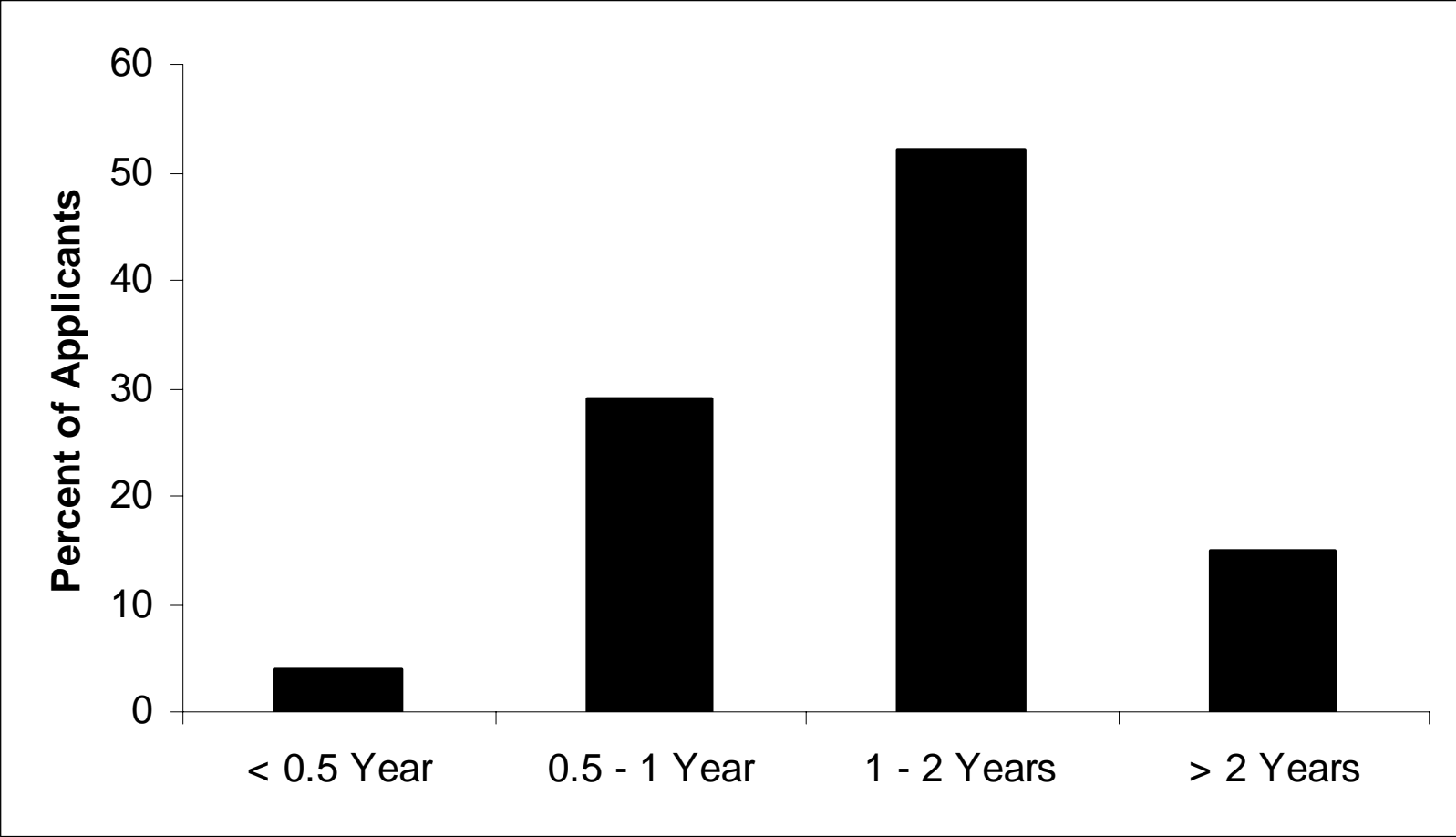
# If beginning the ILP now, what would you do differently?

<b>Applicant response</b>	<b>Frequency of Response</b>
Nothing	5
Prepare a “better” PAD	4
Conduct early fieldwork to improve study plans	2
Allow more time for internal processes (budgeting, contracting)	2

# If beginning the ILP now, what would you do differently (cont.)?

<b>Applicant response</b>	<b>Frequency of Response</b>
More effective internal team structure	1
Formulate better study objectives	1
Engage stakeholders in pre-PAD studies	1

# How far in advance of PAD/NOI did work begin?



# Pre-PAD/NOI activities

<b>Applicant response</b>	<b>Frequency of Response</b>
Workgroup/stakeholder meetings	10
Information gathering/resource studies	5
Reports for stakeholders summarizing existing information	4
Form internal team; internal meetings	3
Retain strategic/process consultant	1
Engineering/feasibility studies	1

# Were you/do you expect to be constrained or benefited by limited field seasons?

<b>Applicant response</b>	<b>Frequency of Response</b>
Neither	8
Benefited	2
Constrained	2
Both, depending on resource area	1

# Were FERC study criteria useful?

	Yes	No
Will/did criteria help avoid study disputes?	12	1
Will/did criteria help control study costs?	13	1
What was/will be the most useful study criterion?	Project nexus (13 of 15 interviewees)	
Were any criteria misunderstood by stakeholders?	Project nexus	

# Will you/did you file a PLP or DLA?

Applicant response	Frequency of response
PLP	9
DLA	2
Undecided	3

# Benefits of PLP and DLA

- PLP
  - Allows applicant to focus on Project effects and potential PME's, rather than other exhibits needed for the FLA.
- DLA
  - DLA selected to simplify revisions when drafting the FLA
  - DLA was considered more comprehensive
  - Familiar with DLA and know how to prepare it

# Are you pursuing a settlement agreement?

<b>Applicant response</b>	<b>Frequency of Response</b>
No	6
Undecided	3
For some resource issues only	3
Yes	2

# Does the ILP allow adequate time to negotiate a settlement agreement?

<b>Applicant response</b>	<b>Frequency of Response</b>
Unsure	9
No	2
Yes, if there are not too many issues	2
Yes	1

# Changes to the ILP recommended by interviewees

- Allow for variable timeline based on project complexity/more time to conduct fieldwork
  - Allow applicants to start “formal” efforts before NOI deadline
  - Allow applicants to file PAD before NOI filing deadline
- Modify to facilitate alternative technologies projects
- There should be no default process
- Better define coordination between ILP and 401

# Changes to the ILP recommended by interviewees (continued)

- Applicant should be consulted regarding the content of the study determination
- Provide greater specificity regarding who is to receive study plans and reports
- Stakeholders should be required to submit written study plan comments prior to study plan meetings
- FERC should issue several license orders under the ILP before trying to modify the process

# Interview Results: TLP/ALP

# Key factors in the decision to use the TLP/ALP

- Lack of issues/controversy made the ILP's rigor unnecessary
- ILP requires too much up-front information for a new project
- ILP was too new/too many unknowns (NOI filed before ILP was the default process).
- ILP is designed for relicensing, not for licensing a new/incremental project

## Key factors in the decision to use the TLP/ALP (continued)

- TLP more cost-effective than ILP for the project in question
- ILP timetable too rigorous given unresolved land ownership issues
- Stakeholders experienced with TLP
- Applicant/stakeholders experienced with ALP

# Justification to FERC when requesting the TLP/ALP

- Small project with no control over flows
- Few resource issues/lack of controversy
- Stakeholders familiar with/preferred the TLP/ALP
- Issues resolved, tentative agreements with agencies, and studies mostly completed
- Collaborative approach of ALP better for resolving specific land-ownership issues
- ALP provides more flexible timetable

If licensing were starting now, would you still request the TLP/ALP?

<b>Applicant response</b>	<b>Frequency of Response</b>
Would still request TLP/ALP	5
Would consider the ILP	1

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