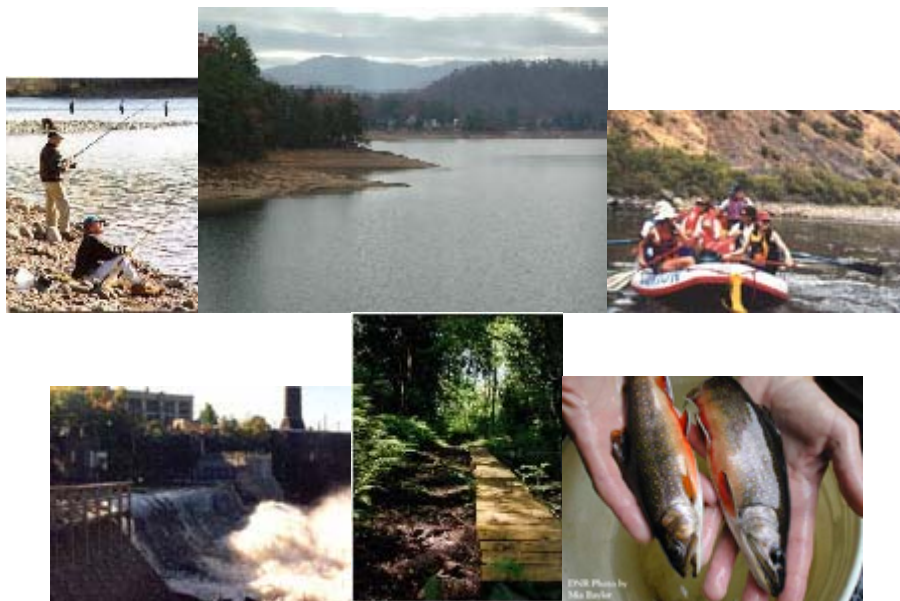


Ideas for Implementing and Participating in the Integrated Licensing Process (ILP)

Tools for Industry, Agencies, Tribes, Non-Governmental Organizations, Citizens, and FERC Staff



Federal Energy Regulatory Commission
Office of Energy Projects
Washington, DC
February 2006

Table of Contents

Introduction	2
Integrated Licensing Process Timeline	4
Tips for All Stakeholders throughout the ILP	5
Integrated Licensing Process Steps	
Chapter 1: Integrated Licensing Process Preparation	6
Applicants Should Plan the Process, Be Pro-Active, and Open the Lines of Communication	6
Agencies, Tribes, NGOs, and Citizens will Benefit from Early Preparation and Coordination	7
FERC Can Assist Applicants and Stakeholders	8
Chapter 2: Developing the Pre-Application Document	10
Cast a Wide Net to Gather Information for the PAD	10
Agencies, Tribes, NGOs, and the Public Can Help	11
Create a Usable PAD; One Size Doesn't Fit All	11
The Process Plan and Good Lines of Communication Will Keep Things Moving	12
FERC Can Assist Applicants and ILP Participants to Prepare a Robust PAD and a Realistic Process Plan	13
Chapter 3: Scoping	14
Applicants Can Help Promote Effective Scoping Meetings	14
All Participants Need to be Prepared for Interaction	15
FERC Can Continue to Improve Scoping	16
Chapter 4: Study Requests and Study Plan Development	18
Details, Details, Details	18
Communication, Collaboration, and Planning Can Improve Efficiency and Effectiveness	20
FERC Can Continue to Improve the Study Plan Development Process	20

Introduction

The Integrated Licensing Process (ILP) is intended to streamline the Commission's licensing process by providing a predictable, efficient, and timely process that continues to ensure adequate resource protections. The efficiencies expected to be achieved through the ILP are founded on three fundamental principles:

- Early issue identification and resolution of studies needed to fill information gaps, thus avoiding studies post-filing.
- Integration of agency and tribal permitting process needs, including the Commission's scoping pursuant to the National Environmental Policy Act (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 pursuant to the Endangered Species Act.
- Established timeframes to complete process steps for all stakeholders, including the Commission staff.

When the Commission adopted the ILP on July 23, 2003, it committed to studying the effectiveness of the process in achieving reductions in processing time and cost. In conjunction with that effort, the Commission engaged federal and state agencies, Indian tribes, licensees, non-governmental organizations (NGOs), and members of the public involved in the first seven relicensing cases ("pioneer projects")¹ using the ILP in probing interviews, by-sector dialogues, regional workshops, and a technical conference during the spring and early summer of 2005. The purpose of this effort was to solicit ideas, tools, and techniques that were being implemented (or could be implemented) to achieve the goals of the ILP within the framework of the existing regulations. Because the seven projects are in various stages of the ILP, discussions were limited to ILP steps leading up to the study plan determination made by the Director of FERC's Office of Energy Projects. These steps include ILP preparation, Pre-Application Document (PAD) Development, Scoping, and Study Plan Development (see insert for description of the phases).

The feedback collected through these interviews is the basis for the concepts, actions, and activities that each of the sectors (applicants, state and federal agencies, tribes, NGOs, citizens, and FERC staff) may consider implementing. This document is formatted to first provide a description of the ILP steps and goals, followed by a summary of the ideas provided during the interviews. The compilation of ideas presented herein represents those ideas put forth that the Commission believes would best help future ILP participants without unduly extending the licensing process or expanding the existing regulations. Summaries of the comments provided during the interviews, by-sector dialogues, and regional workshops and the transcripts of the technical conference can be found on the Commission web page at (www.ferc.gov).

¹ These seven projects are referred to as the pioneer projects because they opted to use the ILP during the transition period before it became the default licensing process.

The technical conference transcript is also available on the eLibrary under docket AD05-6.

Implementation and applicability of the ideas contained herein must be considered based on the specifics of a particular project because every licensing project is different in size, complexity, location, public interests, resource issues, participant relationships, and the amount of participant experience. The ideas are tools that may help improve participant involvement and process outcome; they are not a substitute for the regulations, which must be reviewed and followed. This document will continue to be updated as new license applicants begin the ILP and as the pioneer projects implement future ILP steps.

Steps evaluated during the ILP Effectiveness Evaluation

ILP Preparation: This step involves planning the license application process, including developing the process plan and schedule, identifying and consulting with appropriate federal and state agencies, tribes, and other interested participants, and gathering information that is in the applicant's possession or that the applicant can obtain from others with the exercise of due diligence to prepare the Pre-Application Document (PAD).

PAD Development: This step involves organizing existing, relevant and reasonably available information in such way that all participants understand what is known about the project, its resources, and any known project effects on those resources. This should enable participants to understand project effects, identify potential issues and information gaps, and develop study requests.

Scoping: This step initiates the FERC's scoping process to identify issues to be examined pursuant to the National Environmental Policy Act of 1969. It provides interested parties an opportunity to review and discuss existing information and conditions, resource management objectives, issues, and the process plan and schedule.

Study Plan Development: This step involves developing a detailed approach for filling information gaps needed to address issues identified during scoping and for resolving disagreements over studies and study methods.

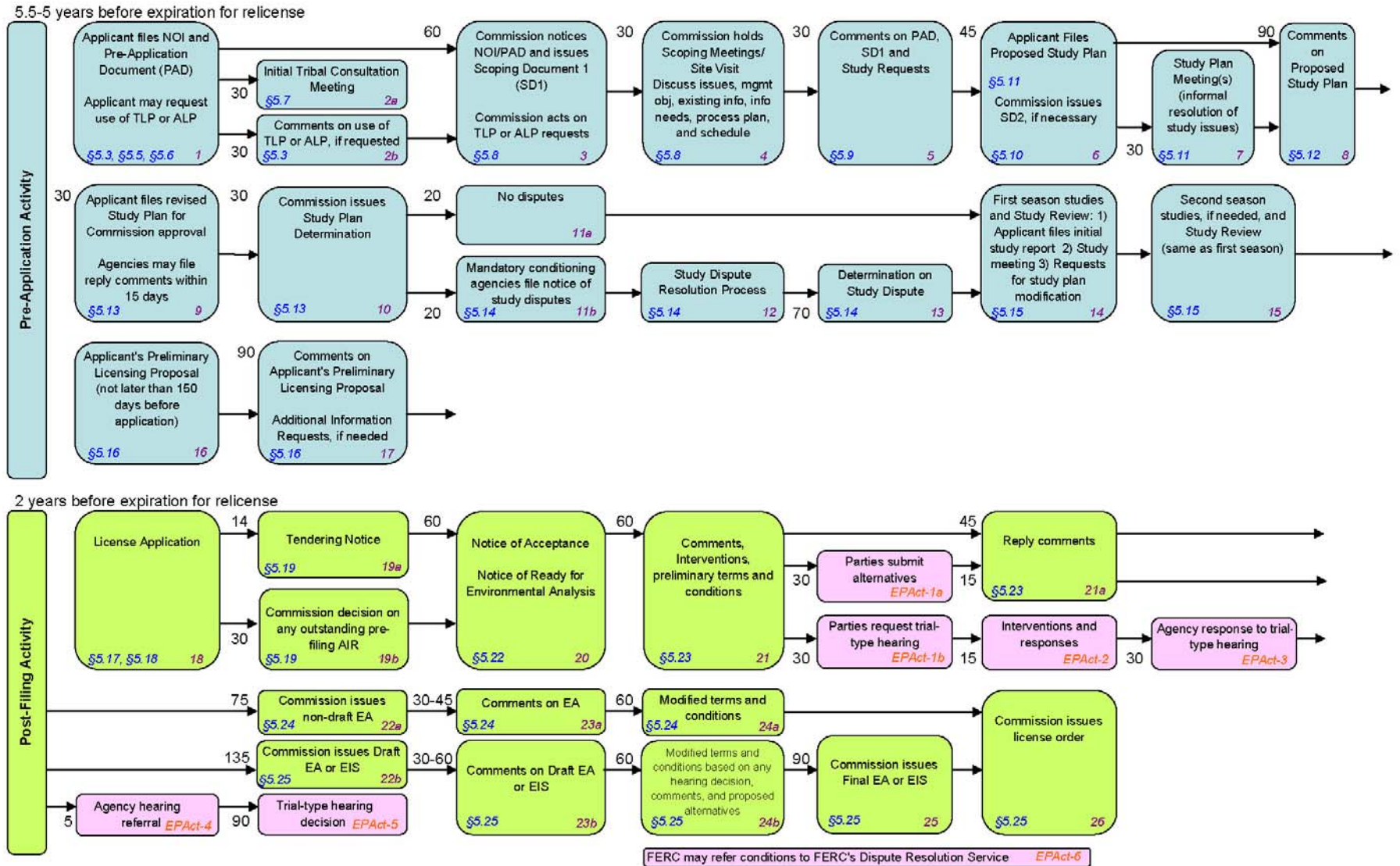
The ILP regulations can be found on FERC's web page and the process steps are illustrated in the process flow chart (Figure 1).

Helpful Websites

**ILP Final Rule and Tribal Policy Statement
Order 2002**

<http://www.ferc.gov/industries/hydropower/indus-act/hl-over.asp>

Integrated Licensing Process (Section 241 of the Energy Policy Act of 2005)



*Section 241 of the Energy Policy Act of 2005 in pink.

Tips for All Stakeholders throughout the ILP

Get Involved Early, Stay Involved, and Be Prepared

Representatives from all the sectors in the effectiveness study emphasized that understanding the process and what is expected of each party is key to participating effectively in an ILP and meeting the timeframes established by the regulations. Participants in the effectiveness study found the following to be helpful in improving understanding and participation in an ILP:

- Reading the ILP regulations and becoming familiar with the process steps and timelines.
- Closely following and regularly updating the process plan.
- Attending any workshops or other training held early in the process to educate participants. Such training not only reinforces the regulatory requirements and project management objectives of the ILP, but also serves to define the roles and needs of the participants. Participants in the effectiveness study felt that the presence of FERC staff at such training was beneficial; they recommended that future applicants invite FERC participation.
- Using FERC's internet e-filing and e-subscription services to ensure timely filings and efficient use of available time (<http://www.ferc.gov/docs-filing/elibrary.asp>) and to stay abreast of filings with the Commission.

Be Patient and Maintain Open Lines of Communication

Participants in the effectiveness study felt that early preparation and sustained open communication are key to a more efficient and quality process.

- Applicants should identify and establish key contacts with participants from all sectors. Participants in the process can assist the applicant in these efforts by identifying other parties who may want to become involved in the process; participants can then share the parties' contact information with the applicants.
- Working together on a complex project requires understanding and patience from all parties.
- Everyone needs to remember that each project is different. What happened in one licensing project may not be applicable or relevant to others.

Integrated Licensing Process Steps

Chapter 1

Integrated Licensing Process Preparation

An applicant notifies FERC that it intends to file an application for a license to construct and operate a hydroelectric project by filing a notice of intent (NOI) and a Pre-application Document (PAD). The PAD describes the project proposal, what is known about the project environment, and any project effects on environmental resources. An applicant seeking to relicense an existing project must file the NOI and PAD five to five and one-half years prior to the expiration of the existing license. An applicant seeking an original license has greater flexibility when to file its NOI. In general, such an applicant should file its NOI and PAD when it is confident of the project's feasibility and prepared to begin developing its license application. A license applicant is required to demonstrate due diligence in obtaining all existing, relevant, and reasonably available information for the PAD.

Participants in the effectiveness study shared the following thoughts about when to get started; what to consider when developing the ILP process plan; how to ensure all interested participants and issues are identified and that all available, relevant information is obtained; and what FERC should do to promote a more efficient and effective process.

Applicants Should Plan the Process, Be Pro-Active, and Open the Lines of Communication

A lot of the responsibility for ensuring the ILP occurs in a timely and efficient process falls on the license applicant. Many of the effectiveness study participants expressed appreciation for extra efforts to open lines of communication and include them in developing the process.

- One way an applicant can make sure everyone is ready to jump into the process is to hold or sponsor a training course to introduce the project and the ILP. The earlier this occurs, the better prepared the participants will be. Such efforts will facilitate a strong start and help build a solid foundation of participant understanding and working relationships among parties.
- An applicant-sponsored field trip to the project site may help participants understand the project and issues.
- An applicant might consider holding one-on-one meetings with interested parties that are unfamiliar or inexperienced with hydroelectric licensing. This can aid in timely stakeholder participation, facilitate a better understanding of each party's concerns, and help uncover relevant existing data.

- An applicant needs to be clear about the process schedule. Applicants should specifically describe when and how agencies, NGOs, and citizens can most effectively contribute to the process. Make sure everyone understands that once the NOI and PAD are filed, the process moves quickly.
- Applicants should cast a wide net for interested parties and relevant information. Ask community leaders and state and federal agency representatives for help contacting and identifying parties who may not be aware of the project or may have relevant information and interests.
- Applicants should consider seasonal needs for studies as well as the regulatory timeframes in deciding when to file the NOI and PAD. Such consideration may provide more time for studies and may help avoid scheduling conflicts such as holidays.

A list of contacts that are commonly involved in hydropower licensing can be found on the FERC web page at:
<http://www.ferc.gov/industries/hydropower/enviro/consult-list.asp>

“ILP preparation involves providing strategic direction, guidance of the project team, conducting pre-NOI workshops, scoping meeting participation, and communication about the ILP and the licensee’s approach to it.”

-Applicant

Agencies, Tribes, NGOs, and Citizens will Benefit from Early Preparation and Coordination

Increased public involvement is one of the goals of the ILP. All participants play a key role in the ILP from the very beginning of the process. Many of the participants in the effectiveness study acknowledged the benefits of the tightened structure of the ILP, but noted that it requires early involvement, early dedication of time and energy, and substantial preparation. The effectiveness study participants offered the following suggestions for agencies, tribes, NGOs, and citizens to consider in preparing for an ILP:

“It’s new to say we need these groups involved early, but it works for everyone’s benefit; the openness to public participation is definitely present.”

-NGO Representative

- Take advantage of any industry-sponsored or FERC-sponsored ILP training to get up to speed on the process and the project.
- Assist applicants in gathering existing, relevant, and reasonably available information, by sharing information with the applicant and other entities that may be interested in the project
- Participate from a foundation of knowledge and fact about the process and the project by reading the ILP regulations and researching the project.
- Ensure that decision makers and managers are alerted and involved early in the process so that issues and personnel resource needs are accurately reflected in planning decisions. Make the necessary arrangements to guarantee adequate representation at meetings.
- Coordinate and collaborate with parties who have similar interests and technical expertise in order to gain resource efficiencies and additional information. This may be particularly useful to concerned citizens and others who lack the resources, time, and technical training to participate in all aspects of the ILP, but want to ensure that their concerns are known by FERC and public agencies.

FERC Can Assist Applicants and Stakeholders

Participants in the effectiveness study offered the following recommendations that FERC could undertake to educate parties in the ILP. They encouraged the Commission to:

- Clearly define roles during outreach meetings, ILP training sessions, and throughout the process. Participants in the early pioneer projects have looked to FERC staff as educators, facilitators, mediators, and regulators.
- Continue to develop and distribute educational materials such as the “FERC Hydroelectric Licensing under the Federal Power Act Final Rule & Tribal Policy Statement” and the “Handbook for Hydroelectric Project Licensing and 5 MW Exemptions from Licensing.”
- Continue to hold FERC ILP workshops and training sessions in various locations throughout the United States.
- Remain open and accessible to questions; reaffirm the Commission’s neutrality and respond promptly and consistently to all participants’ concerns.
- Facilitate and encourage cooperation and involvement of as many interested stakeholders as early as possible by:

- Establishing relationships with the stakeholders.
- Supporting transparent communications.
- Attending pre-NOI activities, such as workshops and trainings, in order to provide guidance to participants.
- Continuing to update the Initial Consultation Contact List (<http://www.ferc.gov/industries/hydropower/enviro/consult-list.asp>).

Chapter 2

Developing the Pre-application Document (PAD)

The PAD is the cornerstone of the ILP. It provides the basis for identifying issues, data gaps, and study needs. It forms the foundation of future documents, including the license application. It also outlines the schedule that the applicant will follow to develop the license application. Because of its importance, many of the suggestions provided by the participants in the effectiveness study revolved around information for the PAD: soliciting and portraying information in a useable form, providing the right level of detail in the PAD and in study needs, and involving ILP participants in developing the process plan and methods for distributing information.

What must be included in the PAD is outlined in the FERC's regulations [see 18 CFR 5.6(d)].

In sum, the PAD must include:

- Project description
- River basin description
- Description of the existing environment and resource impacts to the extent that they are known
- List of issues and information or studies proposed to fill identified information gaps
- List of relevant comprehensive plans
- Process plan
- Summary of contacts

Cast a Wide Net to Gather Information for the PAD

The PAD provides participants with existing information relevant to the project proposal that is in the applicant's possession or that the applicant can obtain with the exercise of due diligence. However, an applicant is not expected to conduct studies to gather information for the PAD. Participants in the effectiveness study suggested that an applicant give consideration to the following in gathering data:

- Applicants might consider using a questionnaire or other survey-type tool to solicit existing information. This can help participants search for relevant information and uncover all potential information sources. Follow-up phone calls can help probe for issues, uncover additional available information, and ensure a common understanding of project operations. These interactions and discussions demonstrate an applicant's efforts to obtain information.
- Applicants need to allow entities enough time to identify, gather, and provide information for the PAD.
- Applicants might consider forming work groups and meeting with individual agencies and other parties to gather information and to dig deeper into potential issues that would benefit from a more thorough discussion in the PAD. Some participants in the effectiveness study found such efforts to be a useful method of communicating available information.

- Applicants should provide participants with a list of information currently in an applicant's possession to help avoid needless searching for redundant information.
- Applicants may want to conduct some basic studies to supplement available information for the PAD. This was done voluntarily by some of the applicants for the pioneer projects and in consultation with the participants. Such efforts should be considered carefully because without a FERC-approved study plan an applicant might have to duplicate efforts.

Agencies, Tribes, NGOs, and the Public Can Help

Maximum participation by all parties in identifying information for the PAD ensures that everyone starts with a common understanding of the issues and eventually in the development of study plans to fill information gaps. Participants in the effectiveness study offered the following advice for future participants in an ILP:

- Do not assume the applicant has all the available information. If you receive a request for information from an applicant, provide as much information on project environmental resources, project effects, and management objectives as possible.
- Be pro-active. Stakeholders aware of an upcoming licensing effort might consider researching their files for available information prior to a request by an applicant. This provides greater lead time in responding to an applicant's request.
- Consider dividing responsibilities based on areas of expertise. This can improve time and resource efficiencies. Support other agencies in collecting data for the PAD.

Create a Usable PAD; One Size Doesn't Fit All

An organized and well-developed PAD is crucial to get the process off to the right start. However each PAD will be different based on the range and complexity of issues and availability of information. Participants in the effectiveness study offered the following advice to applicants and ILP participants:

- Applicants should provide a thorough and clear description of project facilities and operations, including a map of project boundaries with the location of project facilities and federal lands clearly delineated.
- There is flexibility in formatting the PAD. Applicants should intend to use the PAD as a working document and framework for the process. Following a format

similar to that of an environmental assessment will help in drafting future documents including the preliminary licensing proposal, license application, and FERC's environmental document.

- Applicants should strive to make the PAD concise and easy to read. Consider using summary statements and clearly reference available information.
- Applicants should use layman's terms to make the document user-friendly.
- Applicants should clearly describe all the issues identified in developing the PAD. A thorough accounting of the issues will foster candid and open discussions during scoping and study plan development meetings.
- Applicants should strive to provide as much detail as possible in describing proposed studies. Participants in the effectiveness study recognized that applicants may be unable to provide detailed study plans until the issues are fully scoped, but they found greater efficiency in responding to more detailed study plans and greater comfort in understanding what is feasible for and proposed by the applicant.
- ILP participants should clearly communicate to the applicant the level of detail they would like to see in the description of potential studies, and ultimately, in the studies themselves.

The Process Plan and Good Lines of Communication Will Keep Things Moving

The process plan describes the overall plan and schedule for licensing, consistent with the time frames established in the ILP regulations. It helps participants keep up with the process and describes how information will be distributed. Integrating other agency process needs (such as the state water quality certification process and endangered species consultations) into the ILP is expected to result in substantial efficiencies and time savings in the ILP. Participants in the effectiveness study offered the following suggestions for developing a good process plan and disseminating information.

"The Process Plan helps people feel that there is a schedule and management of the timeline."
-NGO Representative

- The applicant and ILP participants should review the process plan timeline collaboratively.
- Agencies need to be specific about their process needs. Discussing the process plan will help ensure other state and federal regulatory processes are integrated to the greatest extent practicable with FERC's licensing process.

- Applicants should review the process plan with NGOs and the public to help them become aware of the demands of the ILP and the time-frame for the process.
- Applicants should post the process plan in a venue accessible to the public.
- Applicants should bring the timeline to all meetings and make sure participants are aware of any changes.
- Applicants should consider including a *Distribution Protocol* in the PAD to outline means for information distribution and access. This is strongly encouraged by the regulations.
- Applicants may want to consider establishing a project website. This provides a convenient and consistent way of accessing information. It can be helpful in ensuring timely notification and availability of information.
- Applicants should consider distributing documents by electronic mail and on compact disks. This is permitted and can reduce costs. Send hard copies of required information to stakeholders without electronic mail access.
- Applicants should consider giving personal reminders about important meetings, including scoping and proposed study plan meetings. An applicant also may want to consider developing a mechanism for tracking issues and studies. They should also encourage the use of FERC's eLibrary, which may help ensure active and timely participation by stakeholders.

Mechanisms for communication:

- Electronic reminders
- Outreach meetings
- Project website
- Compact disks

FERC Can Assist Applicants and ILP Participants to Prepare a Robust PAD and a Realistic Process Plan

Participants in the effectiveness study said stakeholders benefit from the Commission's expertise. Applicants, agencies, tribes, and NGOs would like to get a better understanding of what a PAD looks like, what needs to be included, and how to identify issues. Commission staff was encouraged to:

- Work closely with applicants and agencies to integrate permitting processes (401 and ESA) into the ILP schedule.
- Continue to review draft documents as may be requested to identify missing information.
- Continue outreach efforts to explain the process and how to identify all potential issues.

Chapter 3

Scoping

Scoping is the process used by federal agencies to identify affected public, tribal, and agency concerns about a proposed undertaking and to identify and define the scope of issues and alternatives that will be examined in detail in its environmental analysis required by the National Environmental Policy Act of 1969 (NEPA). Conducted effectively early in the process, it can help ensure that project effects and issues are identified early and properly studied; that issues that are of no concern do not consume time and effort; that the environmental analysis is balanced and thorough; and that the delays occasioned by late-rising issues are avoided.

Toward that end, within 60 days of an applicant's filing of notice of intent to file an application and its PAD, FERC will publish in the Federal Register and in a newspaper with circulation in the project area notice of the time and location of a public scoping meeting and site visit. It will also issue a scoping document describing the issues FERC staff identified based on the contents of the applicant's PAD. At the scoping meeting, FERC staff will lead a discussion about the project effects and issues, existing conditions, available information, resource management objectives, preliminarily identified information gaps and study needs, and the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for the development of an environmental document pursuant to NEPA. FERC staff also intends to finalize, if possible, the process plan to incorporate other agency process needs into the ILP to the greatest extent practicable.

Suggestions provided by the participants in the effectiveness study for improving the scoping process revolved around actions that increased stakeholder participation and preparation.

Applicants Can Help Promote Effective Scoping Meetings

Although the scoping meeting is run by FERC staff, an applicant can play an important role in organizing and helping make sure the scoping meeting works well. Participants in the effectiveness evaluation suggested that the following actions by an applicant will help organize an effective scoping meeting.

- Work with FERC staff early to identify locations for the scoping meetings that are convenient and promote agency, tribe, and public participation. The regulations require an applicant include a proposed date and location for scoping in the PAD. Working with FERC staff before filing the PAD will provide an opportunity to reserve rooms and make site visit arrangements, resulting in greater certainty for all participants that the arrangements proposed in the PAD will be implemented.
- Work with FERC staff to design creative meeting formats and supporting materials to ensure an effective scoping meeting. A kiosk approach with posters

and flip charts, for example, allows the participants to view enlarged details of the project features and to list additional issues and information needs based on ensuing discussions. Round-table discussions help participants talk through issues or concerns together in order to provide more thorough and direct scoping comments.

- Be prepared to describe project facilities and operations, talk about information collected for the PAD, and discuss possible project effects and the basis of proposed studies at the scoping meeting.
- Check-in regularly with participants, via email and telephone, to remind them of scoping meetings and to encourage them to prepare for discussions by reading the PAD.
- Encourage participants to use scoping as an opportunity to voice concerns or call attention to issues that have not been previously identified, rather than repeating issues and information sufficiently captured in the PAD.
- Consider providing logistical support for site visits. Such efforts were appreciated by the effectiveness study participants and helped them get a better understanding of the project, potential project effects, and the issues.
- Keep track of comments or concerns raised during scoping. Making an effort to track scoping comments helps an applicant stay on top of the issues, develop the proposed study plan, and promote a sense of trust in the process by all participants.

All Participants Need to be Prepared for Interaction

An early and open discussion about the project effects and issues helps ensure a better and more efficient NEPA analysis and can help prevent surprise issues and study requests later. It simultaneously places responsibilities on public, tribal, and agency participants alike to surface their concerns early. To achieve ILP goals, participants need to come prepared to discuss their issues and concerns. FERC staff wants and expects participants to play an active role in scoping meetings. Effectiveness study participants suggested the following to help participants come prepared to the scoping meeting.

- All participants should read the PAD and be familiar with the project prior to the scoping meeting. Participants may find it helpful to review previous license documents and filings to become familiar with the project background and issues faced in the past.

Project documents can be found by searching the FERC's eLibrary under the project's number (for example, P-1111).

- Agency and tribal representatives should be prepared to discuss their respective resource management goals and objectives, information gaps and study needs, and process needs (e.g. endangered species act consultation and 401 water quality certification).
- NGOs and the public should be prepared to discuss their concerns and information needs.
- All participants should be prepared to discuss and explain issues that should be included in the scope of the environmental analysis that may have been omitted or not fully explained in the PAD.
- All participants should attend the site visit and scoping meeting.
- All participants should contact FERC staff with any questions about the format or the purpose of the meetings, or how to submit comments.
- All participants should also provide the applicant with a copy of any scoping comments filed with the Commission so that the applicant is immediately aware of any concerns.

Stay up-to-date is by subscribing to FERC's eSubscription service
<http://ferc.gov/docs-filing/esubscription.asp>
Register to receive email notification of filings and issuances about
selected docket(s).

FERC Can Continue to Improve Scoping

Participants in the effectiveness study believe FERC's role is to encourage attendees to be interactive, place an emphasis on the value of scoping, and act as a neutral facilitator in bringing out all the issues. Commission staff was encouraged to:

- Prepare for scoping meetings by sending out an official notice and scoping document that clearly describes the purpose of meeting and the issues so that interested parties will know how to prepare.
- Publish official notice of scoping meetings in more local newspapers.
- Consider holding meetings at different locations within the project vicinity to accommodate interested parties who do not have the resources available to travel.
- Consider alternative meeting times for citizens with professional commitments outside of the relicensings.

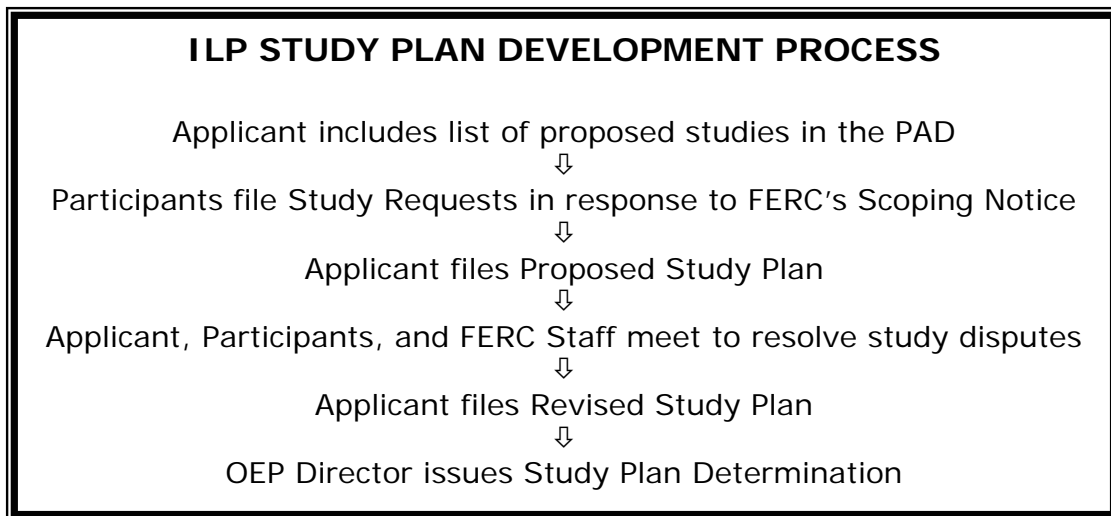
- Explore the format of meetings with applicants to encourage more interaction.
- Strive to be flexible and address stakeholder concerns. Participants in the effectiveness study expressed the importance of allowing more time for questions and concerns to be addressed at the scoping meetings.

Chapter 4

Study Requests and Study Plan Development

Early agreement on studies needed to fill information gaps is a critical element of the ILP and important to ensure timely decisions once the application is filed. Yet, getting to an approved study plan can be one of the most challenging and time consuming efforts stakeholders face in the ILP. The ILP has a defined process and timeframe to develop a study plan that is approved by the Office of Energy Project Director. That process formally begins with the filing of study requests by agencies, tribes, NGOs and the public in response to FERC's scoping notice, but the ground work for the study plan and study request is based on the information gathered while developing the PAD and during scoping.

Participants in the effectiveness study offered a number of suggestions to improve the efficiency and effectiveness of the study plan development process. Most revolve around effective communication and planning.



Details, Details, Details

Development of good study plans is an iterative process in which the level of detail increases with each step until a study plan is developed and approved that clearly defines what will be done, when, where, and how. Ideally, anyone should be able to pick up the approved study plan and implement it. Participants in the effectiveness study offered the following advice to applicants and ILP participants for developing good study plans.

"Applicants should be as forthcoming as possible in PADs, as they are best positioned to provide or be aware of existing information, compile issues, and assess the information that is still needed."
-Applicant

- Applicants should provide as much detail as possible in the list of proposed studies included in the PAD.

While applicants may be unable to provide detailed studies until the issues are fully scoped, many agency representatives and other participants found resource efficiencies and greater comfort responding to detailed study plans than crafting study requests that may not fit well with an applicant's plans and capabilities.

- Participants should provide study requests that address each study criteria thoroughly, are as detailed as possible, and clearly relate how the information to be gathered pertains directly to any mandatory conditioning authority under section 4(e) or 18 of the Federal Power Act, or section 401 of the Clean Water Act.
- An applicant should provide a proposed study plan that is as detailed as possible in terms of methodology, timing and scope. They should clearly describe the rationale for not adopting a study request.
- Applicants might consider creating and populating a study plan template that includes the seven study criteria to facilitate better study requests.

This may be particularly useful to the public and some NGOs that may lack a scientific background but yet have concerns that require additional information to address.

- Applicants and ILP participants should craft study requests and study plans that clearly define anticipated potential steps, additions, or modifications to the studies that may be needed based on the study results.
- Applicants should make copies of obscure publications available (on the web, for example) if they are the source of a proposed study protocol.

The Seven Study Criteria

1. Describe the goals and objectives of the study.
2. Explain relevant resource management goals.
3. Explain any relevant public interest considerations.
4. Describe existing information concerning the subject of the study proposal.
5. Explain the nexus between project operations and effects on the resources to be studied.
6. Explain how any proposed study methodology is consistent with generally accepted practice.
7. Describe considerations of level of effort and cost.

"The Seven Study Criteria are ticklers; they make you think about things FERC has to address."

-Agency Representative

Communication, Collaboration, and Planning Can Improve Efficiency and Effectiveness

Although participants in the effectiveness study found the ILP “fast paced,” they also found its structure to be useful in keeping the process moving forward and focused. They offered the following suggestions to help applicants and participants achieve timely filings and make the process more effective and efficient as it relates to developing and agreeing on studies.

- Applicants might consider forming resource work groups to develop study plans. Work groups bring together technical experts, resource managers, and others with a common interest to the table, allowing participants to better manage their time. However, an applicant needs to carefully plan work group meetings in consultation with participants because many agencies and other participants are either responsible for, or have an interest in, multiple resources and may need to participate in multiple work groups.
- Applicants should consider working through proposed study plans with stakeholders as early as possible. Many of the effectiveness study participants found that working through study plans prior to filing the proposed study plan gave the participants more time to focus on the more problematic issues during the 90-day informal dispute resolution process provided in the ILP.
- Agencies, tribes, and NGOs may also want to coordinate their efforts in developing study requests. Several of the participants in the effectiveness study suggested that such coordination allows participants to build on the expertise of others, increases participant understanding of the issues, and can decrease work load by reducing duplication of efforts for common issues. However, agencies (particularly those with mandatory conditioning authority) and other participants should ensure that their requests and the basis for their study requests are accurately reflected in the record.
- Applicants and agencies should anticipate and discuss the need to obtain permits required to conduct studies for threatened and endangered species.
- NGOs and the public should ask questions and work with the applicant, FERC, and agency representatives if they experience difficulty in addressing the seven criteria.

FERC Can Continue to Improve the Study Plan Development Process

Commission staff was encouraged to:

- Continue emphasizing the importance of including as much detail as possible in both study requests and study plans.

- Make the “Understanding the Study Criteria” handout available to assist stakeholders’ understanding of the study criteria.
- Facilitate discussions of issues and study proposals to ensure that there is a clear nexus between a study request and project effects.