

HYDROKINETIC PILOT PROJECT CRITERIA  
AND DRAFT APPLICATION CHECKLIST  
PURSUANT TO 18 CFR § 5.18

\*Guidelines from Commission staff's white paper on the hydrokinetic pilot project licensing process (found at [www.ferc.gov](http://www.ferc.gov)) are indicated by asterisks.

SUBJECT	ADEQUATELY ADDRESSED?	COMMENTS
<b>CRITERIA FOR PILOT PROJECT LICENSING PROCEDURES*</b>		
Projects will be small in capacity (equal to or less than 5 MW) and occupy the minimum area commensurate with the technology to be employed		
The license will be short term		
Project site avoids sensitive locations		
Project applications will contain strict safeguard plans to protect the public and environmental resources		
Projects will be removable and able to shut down on short notice, and will be removed, with site restored, before the end of the license term (unless a new license is granted)		
The draft application must be in a form sufficient to support environmental analysis and include proposed monitoring plans		
<b>DISTRIBUTION, NOTICE, AND FILING REQUIREMENTS*</b>		
<p>Simultaneous with the filing of a draft application, applicant must file:</p> <ul style="list-style-type: none"> <li>(1) a notification of intent to apply for an original license for a hydrokinetic pilot project</li> <li>(2) a request for the waivers necessary for expedited processing of a hydrokinetic pilot project license application and a proposed process plan</li> <li>(3) a request for designation as the non-federal representative for consultation under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act</li> </ul>		
Applicant must provide a copy of the NOI, draft application, and request		

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for waiver and process plan to the federal, state, and local resources agencies, non-governmental organizations, and members of the public potentially interested in the project		
Applicant must publish notice of the filing of its NOI, draft application, and request for waiver and process plan in a daily or weekly newspaper in each county in which, or off of whose shore, the project would be located; the notice shall specify the comment period (30-60 days)		
<b>APPLICATION CONTENT REQUIREMENTS</b>		
<b>§ 5.18 (a) - GENERAL CONTENT REQUIREMENTS</b>		
(1) Identify entities with relevant proprietary rights		
<p>(2) Name and addresses for:</p> <p>(i), (ii) (A), (iii) (A) Every county, local political subdivision, and special purpose political subdivision in which the project, or Federal facilities used by the project, would be located</p> <p>(ii)(B) Every local political subdivision (city, etc.) with a population of 5,000 or more people that is located within 15 miles of the project</p> <p>(iii) (B) Every special purpose political subdivision (irrigation district, etc.) that owns, maintains, or uses any facilities that the project would use</p> <p>(iv) Other interested or affected political entities</p> <p>(v) Affected Indian tribes</p>		
<p>(3) (i) Certified mail filing notification for:</p> <p>(A) Owners of underlying or adjacent property</p> <p>(B) Entities identified in (a)(2) and any government agencies that</p>		

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<p>would likely be interested in or affected by the application</p> <p>(ii) Contents of Notice:</p> <ul style="list-style-type: none"> <li>• Applicant's name,</li> <li>• Business address,</li> <li>• Telephone number, &amp;</li> <li>• A copy of exhibit G</li> </ul>		
<p>(4) (i) Verification of application facts (under oath)</p> <p>(ii) Notarized document verifying application contents (must include the applicant's name and address, and the state and county in which the application is executed)</p>		
<p>(5) Additional Requirements by project type</p> <p>(i) Minor projects or major projects (5 MW or less) should include the information required by § 4.61 (General instructions, initial statement, and Exhibits A, F, and G)</p>		
<p><b>§ 5.18 (b) EXHIBIT E- ENVIRONMENTAL EXHIBIT</b></p> <p><b>General Requirements:</b></p> <ul style="list-style-type: none"> <li>• Address the resources listed in § 5.6 (the PAD)</li> <li>• follow the Commission's "Preparing Environmental Assessments: Guidelines for Applicants, Contractors, and Staff"</li> </ul> <p><b><i>Format and Content Requirements for Exhibit E</i></b></p>		
<p>(1) Describe the river basin and tributaries including:</p> <ul style="list-style-type: none"> <li>• Basin area and stream length measurements</li> <li>• Reference points (e.g., river miles)</li> <li>• Topography and climate</li> </ul>		

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<ul style="list-style-type: none"> <li>• Major land uses</li> <li>• Economic activities</li> </ul> <p>For non-riverine projects, include the description of the body of water in which the proposed project will be located, including*:</p> <ul style="list-style-type: none"> <li>• Specific location of the proposed project</li> <li>• Information on seasonal weather patterns, wave height, current speed, prevailing wave and current direction</li> <li>• Proximity to shipping lanes</li> <li>• Visibility of the project works from the shoreline</li> </ul>		
<p>(2) Discuss the Cumulative Effects (based on consultation and available data*) including the:</p> <ul style="list-style-type: none"> <li>• Geographic and temporal scope of analysis</li> <li>• Past, present, and future actions and their effects on resources over 30-50 years</li> <li>• Future actions' effect on cumulatively affected resources</li> <li>• Past actions' effects on the resources in the Affected Environment Section</li> </ul>		
<p>(3) Applicable Laws (status of compliance with or consultation under):</p> <ul style="list-style-type: none"> <li>(i) Section 401 of the <i>Clean Water Act</i> (CWA)</li> <li>(ii) <i>Endangered Species Act</i> (ESA)</li> <li>(iii) <i>Magnuson-Stevens Fishery Conservation and Management Act</i></li> <li>(iv) <i>Coastal Zone Management Act</i> (CZMA)</li> <li>(v) <i>National Historic Preservation Act</i> (NHPA)</li> <li>(vi) <i>Pacific Northwest Power Planning and Conservation Act</i> (Act)</li> </ul>		

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<p>(vii) <i>Wild and Scenic Rivers and Wilderness Act</i></p> <p>(vii) <i>Marine Mammal Protection Act</i> *</p>		
<p>(4) Description of project facilities and operations including:</p> <p>(i) Maps showing facilities, lands, and waters within project boundary</p> <p>(ii) Device schematic and operation diagram, including the physical composition, dimensions, and general configuration of any anchoring, mooring, transmission lines, or other structures proposed to be included as part of the project or connected directly to it*</p> <p>(iii) Water surface area in the project boundary. For tidal projects: changes in water surface levels between low and high tides using official tidal datum National Geodetic Vertical Datum, Mean High Water, Mean Higher High Water, Mean Low Water, and Mean Lower Low Water)*</p> <p>(iv) Number, type, and minimum and maximum hydraulic capacity and installed capacity of existing and proposed turbines or generators</p> <p>(v) Dependable capacity, and average annual energy production</p> <p>(vi) The current and proposed operation of the project</p>		
<p>(5) Proposed Action and Alternatives</p> <p>(i) Explain the effects of the applicant's proposal on each resource and include:</p> <p>(A) The affected environment</p> <p>(B) The effects of the applicant's licensing proposal and, if reasonably possible, any terms and conditions filed with the Commission</p>		

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<p>(C) Unavoidable adverse impacts</p> <p>(ii) Additional Information pertaining to the resources listed in § 5.6 or § 5.8, as well as the <i>Affected Environment</i> and <i>Environmental Analysis</i> needs identified in Appendix B of the white paper*</p> <p>(A) Describe the affected environment by resource area including:</p> <ul style="list-style-type: none"> <li>• Any Information developed or obtained by the applicant</li> <li>• Socioeconomic conditions in the project vicinity (land use patterns, population patterns, and sources of employment, etc.)</li> </ul> <p>(B) Present environmental study results by resource area and:</p> <ul style="list-style-type: none"> <li>• Evaluate the beneficial and adverse effects of the proposed project</li> <li>• Describe any anticipated environmental effects of the proposed construction, installation, operation, and removal of the project specific to the various resources described in the affected environment section</li> </ul> <p>(C) Proposed Environmental Measures by resource area including:</p> <ul style="list-style-type: none"> <li>• Project Monitoring Plans*</li> <li>• Safeguard Plan* <ul style="list-style-type: none"> <li>○ Device marking method</li> <li>○ Maps/drawings of competing uses</li> <li>○ Equipment recovery methods</li> <li>○ Removal and site restoration plan</li> <li>○ Navigation safety plan</li> </ul> </li> <li>• Plan for assuring financing to remove the project and restore the site*</li> </ul> <p>If measures, proposed by a resource agency, Indian tribe, or member of the public, are not adopted, state the reasons based on project-specific</p>		

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<p>information</p> <p>(D) Unavoidable adverse impacts</p> <ul style="list-style-type: none"> <li>• Duration of impacts</li> <li>• Significance of impacts (minor or major)</li> <li>• Cumulative or site-specific impacts</li> </ul> <p>(E) Economic Analysis including annualized current cost-based information on the:</p> <ul style="list-style-type: none"> <li>• Cost of constructing, operating, and maintaining the proposed project (new project)</li> <li>• Cost of resource protection, mitigation, or enhancement measures</li> <li>• Value of developmental resources for proposed project (new project)</li> <li>• Developmental resources may include power generation, water supply, irrigation, navigation, and flood control</li> <li>• Any reduction in value of project development resource</li> </ul> <p>(G) Document consultation by listing the name, and address of entities consulted in preparation of the Environmental Document</p> <p>(H) Literature cited</p> <p>(2) Additional required information includes:</p> <p>(A) Functional design drawings of fish passage, collection, and other facilities necessary to implement environmental measures (§ 4.39)</p> <p>(B) Description of operation and maintenance procedures for existing or proposed facilities or measures</p> <p>(C) Schedule for construction and implementation of proposed</p>		



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measures  (D) Cost estimates for construction, operation and maintenance of any proposed facilities or environmental measures  (E) Map or drawing indicating existing and proposed measures and facilities (§ 4.39)		
<b>§ 5.18 (d) (also § 5.18 (b)(ii)(F)) - CONSISTENCY WITH COMPREHENSIVE PLANS</b>  <ul style="list-style-type: none"> <li>• An explanation of why the project would, would not, or should not, comply with any relevant comprehensive plans</li> <li>• Any relevant determination (by a resource agency or Indian tribe) regarding the project's consistency with any such comprehensive plans</li> </ul>		
<b>§ 5.18 (e) - RESPONSE TO INFORMATION REQUESTS</b>  <ul style="list-style-type: none"> <li>• Show that the applicant responded to information requests</li> <li>• Show that the applicant complied with each information request, or explain the basis for declining to do so</li> </ul>		
<b>§ 5.18 (f) - MAPS AND DRAWINGS</b> must conform to the specifications of § 4.39		