

# FERC Regulatory Perspective



## BOEM Offshore Renewable Energy Workshop

Port St. Lucie, Florida

December 11, 2014



# What FERC Does



- Electric Power
- Oil Pipelines
- Natural Gas
- Hydroelectric Projects



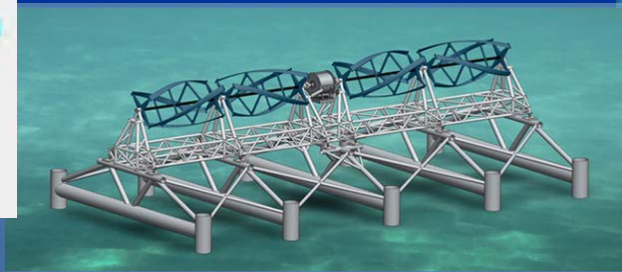
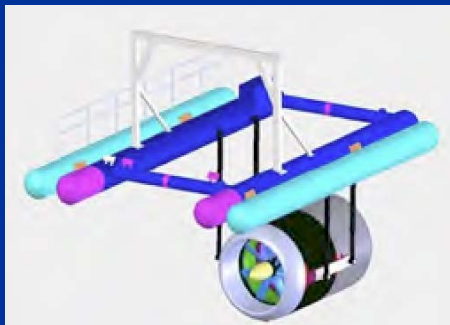
Mission: Reliable, efficient, and sustainable energy for consumers



# Marine and Hydrokinetic Project Definition

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Generate electricity from waves or directly from the flow of water in ocean currents, tides, or inland waterways without the need for a dam.





# Types of Authorizations

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- **Preliminary permit** – gives priority of application while studying project (3 years)
- **Device testing** – to test technology and gain site-specific experience and data without grid connection (short term)
- **Pilot project license** – to test technology and gain site-specific experience and data with grid connection (5 – 10 years)
- **Commercial license** – to construct and operate a project (up to 50 years)





# Commercial Project License

- Integrated Licensing Process (ILP)-default
  - Traditional Licensing Process (TLP)
  - Alternative Licensing Process (ALP)

Prefiling	Postfiling
<ul style="list-style-type: none"><li>● Applicant files initial proposal</li><li>● Applicant consults with all</li><li>● FERC scoping meetings</li><li>● Study plan developed</li><li>● Applicant conducts studies</li><li>● Applicant prepares license application</li></ul>	<ul style="list-style-type: none"><li>● Applicant files application</li><li>● FERC review</li><li>● Agency/public comments</li><li>● FERC prepares EA or EIS and seek comments</li><li>● FERC action based on record</li></ul>



# Hydropower Licensing Standard

Federal Power Act – FERC licenses must:

- Give equal consideration to power and environmental uses within waters of the U.S.
- Authorize projects that best serve the public interest





# Shared Decision Making

## U.S. Fish & Wildlife Service

- Endangered Species Act
- Migratory Bird Treaty Act

## NOAA

- Essential Fish Habitat
- Marine Mammal Protection Act
- Endangered Species Act

## States

- Coastal Zone Management Act
- Clean Water Act
- National Historic Preservation Act

## U.S. Coast Guard

- Ports and Waterways Safety Act

## BOEM

- Outer Continental Shelf Lands Act





# DOI/FERC MOU

Signed April 9, 2009

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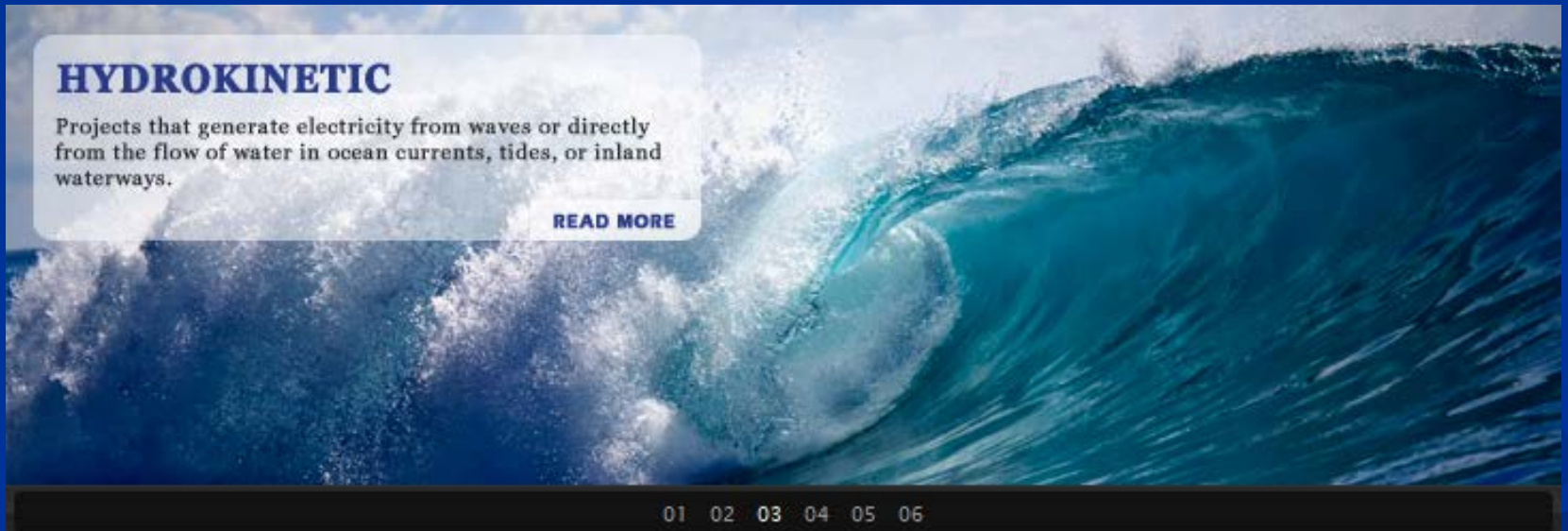
- Clarifies jurisdiction on OCS
- Provides cohesive, streamlined process
- Encourages development of hydrokinetic energy projects in an environmentally sensitive manner
- BOEM has jurisdiction for non-hydrokinetic renewable energy projects
- For hydrokinetic:
  - BOEM issues leases, easements, ROW
  - FERC issues licenses





# Thank You

[www.ferc.gov](http://www.ferc.gov)

A slide from a presentation about hydrokinetic energy. The background is a large, dynamic image of a blue ocean wave crashing. In the upper left, there is a white text box with the title "HYDROKINETIC" in bold blue letters. Below the title, a paragraph of text describes projects that generate electricity from waves or water flow. A "READ MORE" button is located in the bottom right of the text box. At the bottom of the slide, there is a dark navigation bar with six numbered tabs: 01, 02, 03, 04, 05, and 06.

**HYDROKINETIC**

Projects that generate electricity from waves or directly from the flow of water in ocean currents, tides, or inland waterways.

[READ MORE](#)

01 02 03 04 05 06

Stephen Bowler

[stephen.bowler@ferc.gov](mailto:stephen.bowler@ferc.gov)

(202) 502-6861



# FERC Hydropower Jurisdiction

## Federal Power Act

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- License non-federal hydropower projects
  - Located on a navigable waterway
  - Occupy lands of the United States
  - Use surplus water from a federal dam
  - Affect interstate or foreign commerce





# Marine & Hydrokinetic Projects

(as of December 4, 2014)

Issued preliminary permits: 8 (104.69 MW)

- 1 tidal, 3 wave, 4 inland

Pending preliminary permits: None

Projects in pre-filing and having completed pre-filing for license: 3 (25.1 MW)

- P-12665 New York East River (NY) Tidal Pilot 0.2 MW
- P-13015 Muskeget Channel (MA) Tidal Pilot 4.9 MW
- P-14616 Pacific Marine Energy Test Center South Energy Test Site (OR, Outer Continental Shelf) Wave Test Center 20 MW

Projects in post-filing for license: None

Licenses issued: None

Licenses issued for pilot projects: 4 (2.45 MW)

- P-12611 Roosevelt Island (NY) Tidal Pilot 1.05 MW
- P-12690 Admiralty Inlet (WA) Tidal Pilot 1.0 MW
- P-12711 Cobscook Bay (ME) Tidal Pilot 0.3 MW
- P-13305 Whitestone Poncelet (AK) In-River Pilot 0.1 MW





# Term of Lease and License

(goal is to align)

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**BOEM**

**FERC**

Commercial Lease/License	25 years	Up to 50 years – Original 30-50 years – Relicense
Limited Lease/Pilot License	5 years	About 5 years
Research Lease	Negotiated	