

5) ***A description of any proposed construction, design, and/or operation practices or measures to minimize or mitigate for any specific impacts identified under item (4) above. For example, measures may include:***

- erosion control measures
- avoidance of affected resources
- changes in design or location of a proposed facility
- close oversight to ensure compliance with licensee mandated permitting programs or land use regulations, Commission approved plans, or agency permit requirements
- a statement by the proponent that it fully intends to adhere to all permit conditions

6) ***Documentation of consultation (copies of correspondence) with appropriate Federal, state, and local government agencies including:***

- government agencies that own or manage lands or facilities in the immediate area
- government agencies that would likely need to authorize or approve the proposed use
- government agencies that have jurisdiction over resources that may be affected by the proposed use

In addition, please note the following:

- a minimum of 30 days should be provided for consulted parties to reply to requests for comments on a proposed use
- if no reply is received, the filing should include a copy of written request for comments
- filing should include responses to any specific agency comments or recommendations. If recommendations are rejected, include site-specific reasons for the rejection.
- if it is generally known that local property owners or entities are opposed to the proposed use, the filing should identify the nature of this opposition and include general responses to the concerns raised.

TO LEARN MORE ABOUT SHORELINE DEVELOPMENT...

For information about shoreline development requirements at a specific FERC licensed hydropower project, please contact the licensee of that project.

Information about the Commission and the Office of Energy Projects is available online at <http://www.ferc.gov>



This document was prepared by the staff of the Office of Energy Projects and does not necessarily reflect the views of the Federal Energy Regulatory Commission.

GUIDANCE FOR PREPARING SHORELINE DEVELOPMENT APPLICATIONS



Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street NE
Washington, DC 20426

INTRODUCTION

The Federal Energy Regulatory Commission (FERC or the Commission) issues licenses for the construction, operation, and maintenance of non-federal hydropower projects. Licensees are responsible for operating and maintaining these projects in accordance with license requirements. Under its license, a licensee may file an application with the FERC seeking approval to grant permission for specific uses and occupancies of the project reservoir and lands that are not associated with project operations and purposes (non-project uses). Examples of non-project uses that would require prior FERC approval include most commercial marinas, large boat docks, and significant shoreline development. The purpose of this document is to provide guidance to developers, homeowners, and others on the contents of a non-project use application and the FERC's review process. If a licensee finds that a proposed non-project use or facility is consistent with the license and the purpose of protecting and enhancing the scenic, recreational, and environmental values of the project, it may file an application seeking FERC authorization. Typically, a licensee requires the proponent of the proposal to prepare most of the necessary application material. The licensee will file the complete application with the Commission. If the Commission approves the application, it will issue an order that gives the licensee authority to grant permission for the specific non-project use. The licensee is responsible for ensuring that the authorized non-project use or facility is constructed, operated, and maintained in accordance with the FERC's approval order and other applicable requirements of the project license through the term of the license.

SUGGESTED CONTENTS OF PROPOSED NON-PROJECT USE APPLICATIONS

The following is a general list of the information that should be included in applications for proposed non-project uses or facilities. The Commission needs specific information to prepare the necessary environmental analysis.



While the information below applies to most applications, it is not an all inclusive list and not all the individual items may apply to every proposed facility or use. As necessary, please contact the licensee if you have questions about the application contents or consultation needs for your specific proposal.

1) **Description of proposed facility or use**

- location, size, type of conveyance (i.e. lease, right-of-way, easement, fee-title, etc.)
- major components, materials, and layout or design
- construction and operation methods, construction duration and approximate start and completion dates
- purpose of proposed use
- description of any Federal, state, and local permits or approvals required or obtained for proposed use
- if available, copies of any government agency permits or agency review documents obtained for the proposed use
- maps showing the location and layout of the proposed facility in relation to the project boundary

2) **Description of affected environment (the immediate area surrounding the site of the proposed facility or use)**

- common fish and wildlife species
- threatened and endangered species
- wetlands, critical habitats, or significant features

- cultural resources
- common vegetation and trees
- water quality and approximate depth
- scenic quality
- existing land and water uses and structures



3) **Evaluation of how the proposed use is compatible with (the licensee may provide this information):**

- Commission approved management plans (i.e. recreation, shoreline or land use, dredging, cultural resource, wildlife protection, etc.)
- project operations and purposes and applicable license requirements
- licensee's own project management guidelines or requirements

4) **A description of the proposed use's potential impact on the affected environment. For example, impacts may include:**

- vegetation removal
- shoreline erosion or turbidity
- dredging and lakebed disturbance
- disturbance of significant resources, species, or habitats
- specific impacts on existing land uses or structures
- potential for discharge of pollutants