

FEDERAL ENERGY REGULATORY COMMISSION

OFFICE OF ENERGY PROJECTS

WASHINGTON, D.C. 20426



LIST OF

COMPREHENSIVE PLANS

APRIL 2009

COMPREHENSIVE PLANS IN THE FEDERAL ENERGY REGULATORY COMMISSION'S LICENSING PROCESS

Background

Section 10(a)(2)(A) of the Federal Power Act (FPA), 16 U.S.C. section 803 (a)(2)(A), requires the Federal Energy Regulatory Commission (Commission) to consider the extent to which a project is consistent with Federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project.

On April 27, 1988, the Commission issued Order No. 481-A, revising Order No. 481, issued October 26, 1987, establishing that the Commission will accord FPA section 10(a)(2)(A) comprehensive plan status to any Federal or state plan that:

- (1) is a comprehensive study of one or more of the beneficial uses of a waterway or waterways;
- (2) specifies the standards, the data, and the methodology used; and
- (3) is filed with the Secretary of the Commission.¹

A comprehensive plan should contain the following: (1) a description of the waterway or waterways that are the subject of the plan, including pertinent maps detailing the geographic area of the plan; (2) a description of the significant resources of the waterway or waterways; (3) a description of the various existing and planned uses for these resources; and (4) a discussion of goals, objectives, and recommendations for improving, developing, or conserving the waterway or waterways in relation to these resources. The description of the significant resources in the area should contain, among other things: (1) navigation; (2) power development; (3) energy conservation; (4) fish and wildlife; (5) recreational opportunities; (6) irrigation; (7) flood control; (8) water supply; and (9) other aspects of environmental quality. The plan should contain an examination of how the different uses will promote the overall public interest.

Following the issuance of Order No. 481-A, we sent letters to each state governor and Federal resource agency, requesting copies of plans meeting the above criteria.

¹ Please file with the Secretary of the Commission a letter that transmits the document, and send the actual document to Ms. Pennie Lewis-Partee, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Based on our review, we determined that the filed documents, herein, satisfy Order No. 481-A's criteria for comprehensive plans. We have set up a library for these documents at the Commission.

When we determine that a document does not qualify as a comprehensive plan, we will consider the document, as we consider all relevant studies and recommendations, in the public interest analysis pursuant to section 10(a)(1) of the FPA.

Types of Comprehensive Plans

Federal and state comprehensive plans in our library include: watershed plans prepared by the Department of the Army, Corps of Engineers Districts; plans for the protection of fishery resources, migratory waterfowl, and unique ecosystems prepared by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; land and resource management plans prepared by the Forest Service, Bureau of Land Management, or National Park Service; and State Comprehensive Outdoor Recreation Plans (SCORP).

Use of Comprehensive Plans

Under 18 CFR 4.38, each license application must identify relevant comprehensive plans and explain how and why a proposed project would or would not comply with such plans.

As part of our independent environmental analysis, we identify and examine relevant comprehensive plans. In each license, we include a discussion of a proposed project's consistency or inconsistency with relevant plans. We may recommend mitigative measures to reduce a proposed project's conflicts with the goals of accepted plans. The Commission may include these measures in licenses. When there are major project-plan conflicts that cannot be resolved with mitigation, we may recommend an alternative project design or license denial.

Summary

The issuance of Order 481-A in April 1988 has enabled state and Federal plans that address one or more beneficial uses of a waterway to have a significant role in the Commission's public interest determination. Currently, our library includes those documents that satisfy the Commission's comprehensive plan criteria.

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