

5) Proposed measures or practices to minimize or mitigate impacts identified under item (4) such as:

- ▶ 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.
- ▶ adjoining property owners that may be affected
- ▶ copies of any government agency permits or agency review documents obtained for the proposed use

Additionally:

- ▶ 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 the written request for comments
- ▶ filing should include responses by the licensee 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
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INTRODUCTION

The Federal Energy Regulatory Commission (FERC or the Commission) issues licenses for the construction, operation, and maintenance of non-federal hydro-power projects. Licensees are responsible for operating and maintaining these projects in accordance with license requirements. A licensee may file an application with FERC to allow specific uses of the project reservoir and lands that are not associated with project operations and purposes (non-project uses). Some non-project uses that would require prior FERC approval include most commercial marinas, large boat docks, and significant shoreline development.

This brochure provides guidance to interested parties regarding the contents of non-project use applications. If a licensee finds that a proposed non-project use is consistent with the license, and the purpose of protecting and enhancing the scenic recreational, and environmental values of the project, an application may be forwarded to FERC for authorization. Typically, a licensee requires the proponent to prepare most of the application materials and to consult with appropriate agencies. The licensee will file the completed application with FERC. If approved, (with or without modification) FERC will issue an order that gives the licensee authority to grant the non-project use.

The licensee is responsible for ensuring that the authorized non-project use is constructed, operated, and maintained in accordance with FERC's approval order and other relevant project license requirements, as well as ensuring that the application complies with all applicable Federal, state and local requirements.

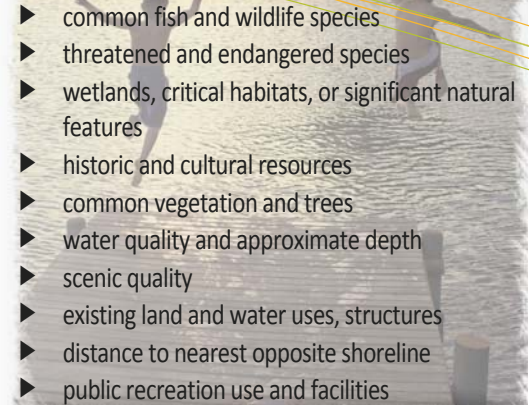
DESCRIPTION OF PROPOSED NON-PROJECT USE APPLICATIONS

A variety of information is needed for the licensee and the Commission to determine if a non-project use is appropriate at a given project. The following is a general list of the information needed to assess a non-project use application (some items may not apply to every proposal). Please contact the licensee should you have questions about the application contents or consultation needs for your specific proposal.

1) Description of non-project use

- ▶ location, size, type of conveyance (i.e., lease, right-of-way, easement, 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
- ▶ maps showing the location and layout of the proposed facility in relation to the project boundary and GPS coordinates
- ▶ licensee ownership or rights to the lands/waters occupied by the proposed use

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

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- ▶ common fish and wildlife species
 - ▶ threatened and endangered species
 - ▶ wetlands, critical habitats, or significant natural features
 - ▶ historic and cultural resources
 - ▶ common vegetation and trees
 - ▶ water quality and approximate depth
 - ▶ scenic quality
 - ▶ existing land and water uses, structures
 - ▶ distance to nearest opposite shoreline
 - ▶ public recreation use and facilities

3) Compatibility of non-project use with the following (contact licensee for information):

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

4) Potential environmental impact on affected environment, such as:

- ▶ vegetation removal
- ▶ shoreline erosion or increased 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
- ▶ reduced aesthetic quality
- ▶ public access/use, navigation and recreation use