

RAPID *Regulatory and Permitting Information Desktop Toolkit*



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National Renewable Energy Laboratory
Hydropower RAPID Toolkit Webinar
July 8, 2021

Public Service of Colorado Pommequin Wind

RAPID

Regulatory and Permitting Information Desktop Toolkit



Upcoming Webinars	
Date	Title
July 15, 2021: 3:30 – 4:30 PM ET	Water Power Technologies Office Semiannual Stakeholder Webinar
July 28, 2021: 3:00 – 4:00 PM ET	Contributing Data and Information to PRIMRE
August 11, 2021: 1:00 – 5:00 PM ET	Seeding Water Power Innovation: An R&D Series
<p>Keep an eye on the R&D Webpage for future webinars and recordings of past webinars!</p> <p>WPTO R&D Deep Dive Webinar Series</p>	

Public Service of Colorado Program Wind Farm

RAPID *Regulatory and Permitting Information Desktop Toolkit*



- This webinar will be recorded and made available to registrants.
- Attendees' microphones are muted and attendees are not visible on video.
- Questions will be answered throughout the presentation and at the end.
- To ask questions:
 - Submit question into Chat Box and select "Everyone"
- If you have technical issues, try calling into the webinar via phone.

Thank you for participating!

Regulatory Processes for Renewable Energy and Bulk Transmission Projects

The Regulatory and Permitting Information Desktop (RAPID) Toolkit offers a solution to navigating the complex system of federal and state regulations necessary to secure project approval. The RAPID Toolkit provides easy access to federal and state permitting information, best practices, and reference material for renewable energy and bulk transmission project development.



Bulk Transmission
Regulations & Permitting



Geothermal
Regulations & Permitting

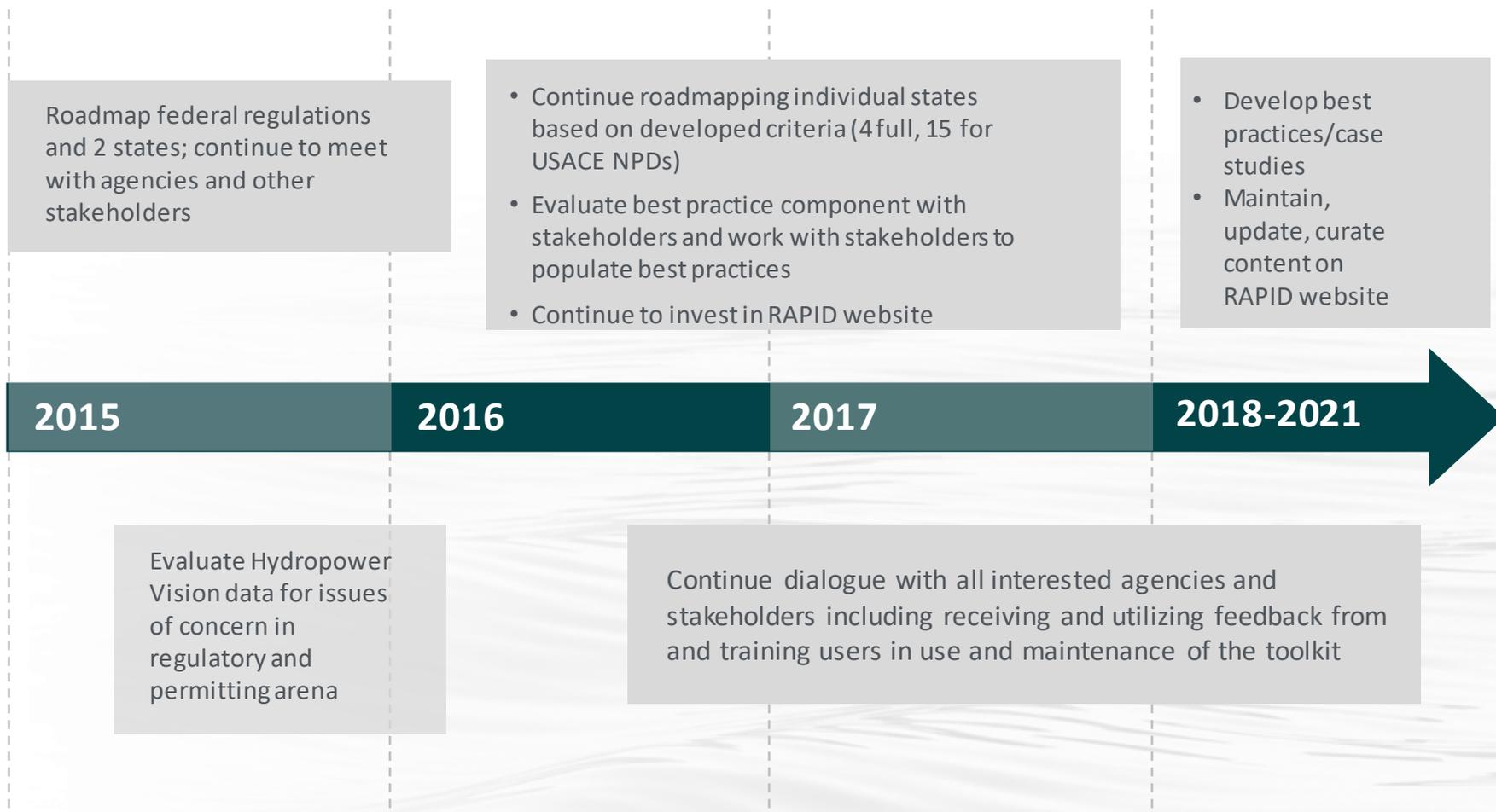


Hydropower
Regulations & Permitting



Solar
Regulations & Permitting

Hydropower RAPID Project Timeline



HYDROPOWER Toolkit

Navigating the complex system of federal and state regulations and permits can be one of the biggest hurdles hydropower developers face. The Hydropower Regulatory and Permitting Information Desktop Toolkit offers a solution.

FY20 Hydropower RAPID Webinar



Regulations and Permitting

Regulatory and permitting information by jurisdiction, including comparisons between jurisdictions



Reference Library

A collection of links to regulatory and permitting documents, regulations, and tools available on other websites



Best Practices

A collection of best practices for efficiently permitting renewable energy and bulk transmission projects

OVERVIEW

The Hydropower RAPID Toolkit provides easy access to permitting information from one online location.

FEATURES



Regulations and Permitting

Regulatory and permitting information by jurisdiction, including comparisons between jurisdictions



Reference Library

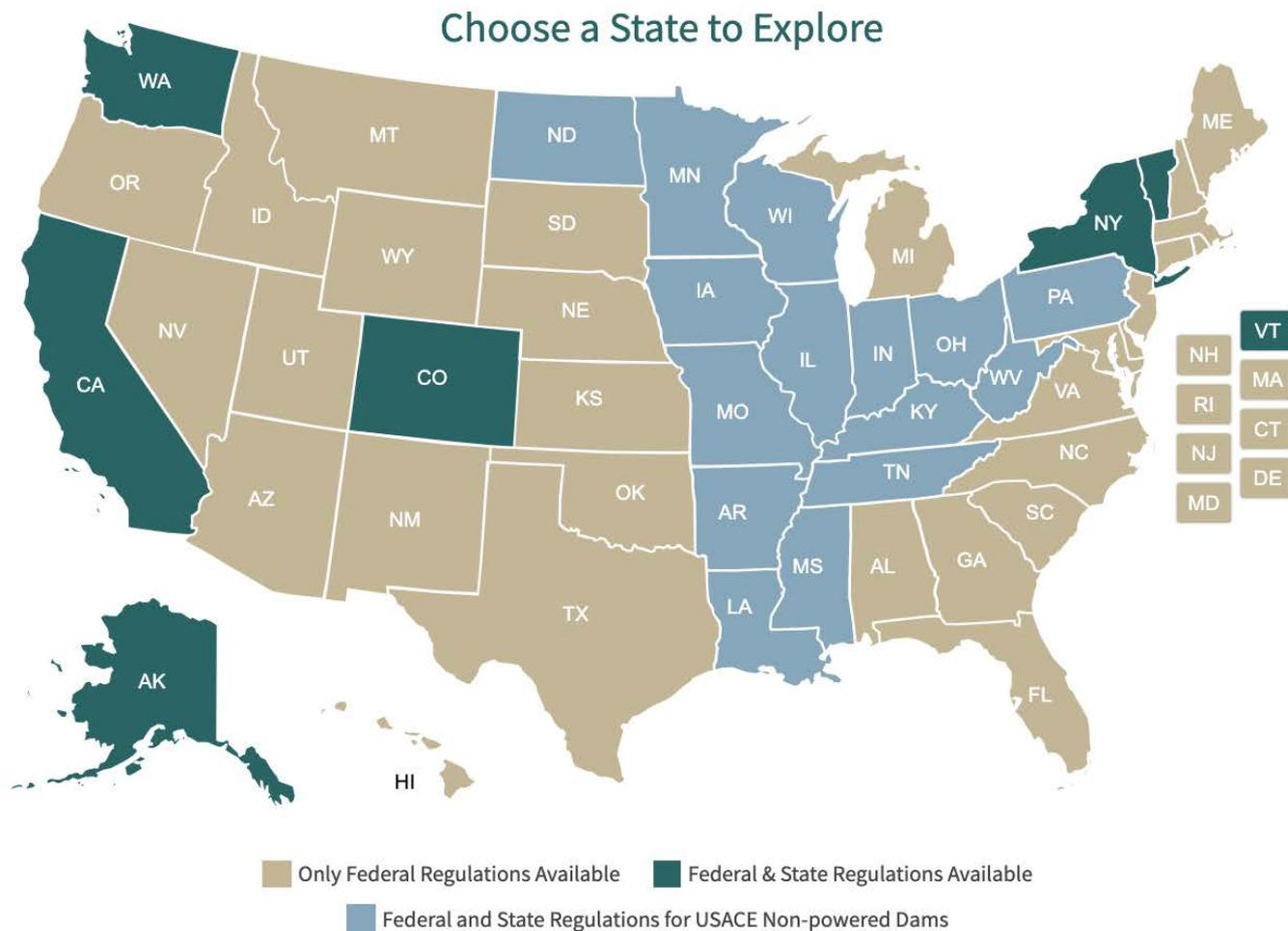
A collection of links to regulatory and permitting documents, regulations, and tools available on other websites



Best Practices

A collection of best practices for efficiently permitting renewable energy and bulk transmission projects

Federal and State Regulations and Available

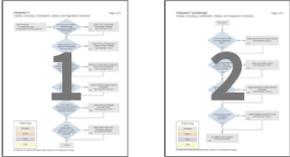


Features:

- Ability to sort regulatory and permitting processes by hydropower sub-type (e.g., NPD, PSH, conduit)
- Project dashboard to save and track required permits and approvals

Determine Which State and Federal Permits Apply

Use this overview flowchart and following steps to learn which federal and state permits apply to your projects.



Narrow your results (by hydropower project type)

all
 conduit
 conventional
 non-powered dam
 pumped storage

- 7.1 to 7.2 – Does the Project Require a Federal Energy Regulatory Commission Authorization?
- + 7.3 to 7.4 – Will the Project Be Located on a Bureau of Reclamation (BOR) Dam Reserved for Non-Federal Hydropower Development or a BOR Conduit?
- + 7.5 to 7.6 – Will the Project Require Modification to or use of a U.S. Army Corps of Engineers Managed Structure?
- + 7.7 to 7.8 – Is the Facility a Small Power Production Facility?
- + 7.9 to 7.10 – Is the Facility an Independent Power Producer That Exclusively Sells to Wholesale...

My Projects

Create a project and manage tasks in the RAPID Toolkit. [Learn more about how to use the project](#)

Colorado River Project

5 items

+

Create Project

7.9 to 7.10 – Does the Developer Seek a Preliminary Permit?

A developer may apply for a Preliminary Permit with FERC to establish priority for their application for a license while the developer obtains data and performs the acts required to determine the feasibility of the project and to support an application for a license. [18 C.F.R. § 4.80](#). [FPA Part 1\(f\)](#). Each preliminary permit will maintain priority of application for a maximum of four years. [16 U.S.C. § 798](#). For more information, see:

FERC Preliminary Permit:
7-FD-h

☆

Add to Project

Hydropower Reference Library

The RAPID Toolkit reference library is a collection of links to regulatory and permitting documents - including permits, guidance, manuals, applications, tools, regulations, statutes, and rules - that are available on other websites.

Explore the reference library using the search options below or [upload a reference](#).

View by Jurisdiction

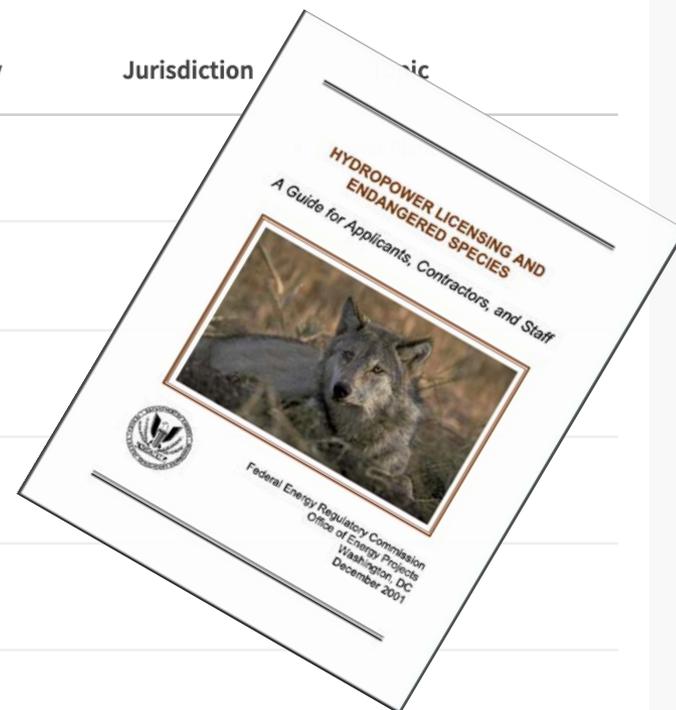
2 jurisdiction types selected

[show all](#)

Federal

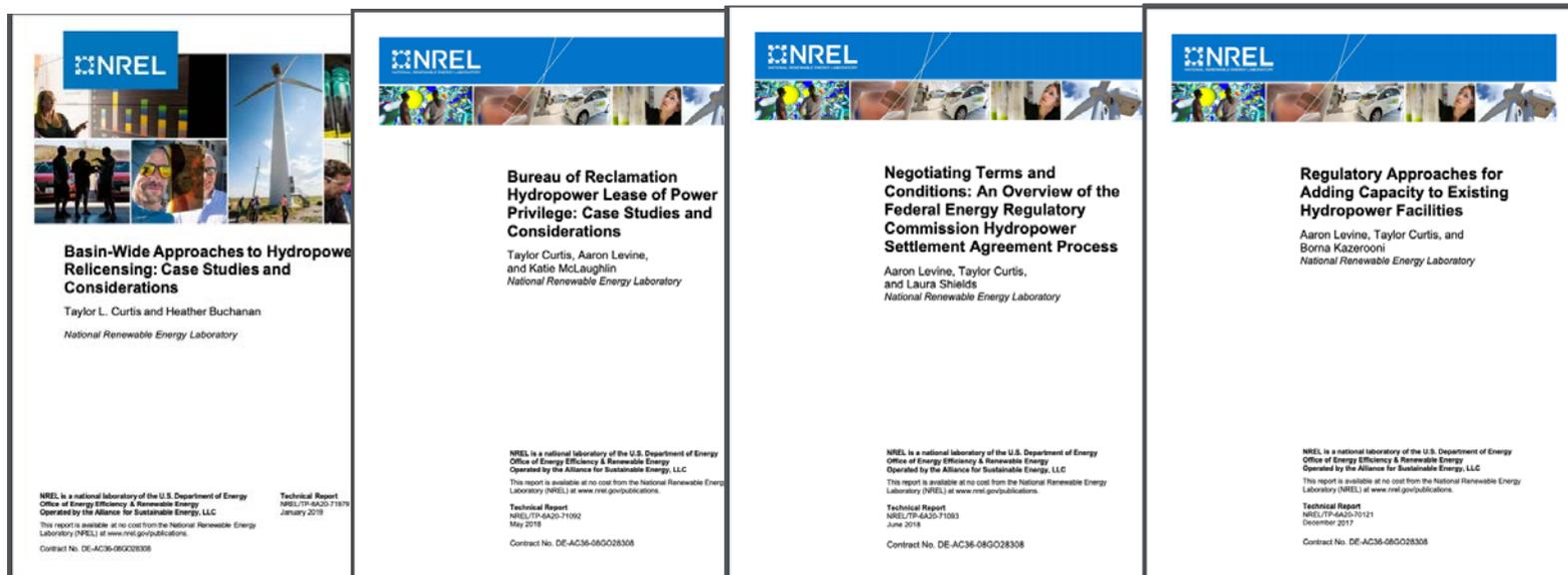
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Hawai'i
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana

Title	Technology	Jurisdiction	Topic
16 U.S.C. §§ 791 - 828c, Federal Regulation and Development of Power	Hydropower		
16 USC 1246 – Administration and Development of National Trails System	Hydropower		
16 USC 797	Hydropower		
16 USC 797a - Congressional Authorization for Projects Within National Parks or Monuments	Hydropower		
16 USC 797c – Dams in National Park System Units	Hydropower		
16 USC 799 License duration, conditions, revocation, alteration, or surrender	Hydropower		
1981 Memorandum of Understanding between the Federal Energy Regulatory Commission and the Water and Power Resources Service	Hydropower		
1992 Memorandum of Understanding between FERC and BOR	Hydropower		Land Access



Development of Best Practices, Lessons Learned, Regulatory Analysis Publications

- Collect input from hydropower stakeholders to identify best practices, lessons learned, and/or other substantive legal, regulatory, and policy issues.
- Review and prioritize list with DOE-WPTO
- Research and analyze issues (including extensive interviews, dialogue, and review with hydropower industry stakeholders.
- Publish as NREL Technical Reports
- Post to the RAPID Toolkit Best Practice Library with a high-level summary and link to full report.



Seven (7) published hydropower best practice/analysis documents as NREL Technical Reports with **over 7,500 unique downloads to date**:

- [State Models to Incentivize and Streamline Small Hydropower Development \(2017\)](#) (2,117 downloads)
- [Regulatory Approaches for Adding Capacity to Existing Hydropower Facilities \(2017\)](#) (890 downloads)
- [Energy Recovery Hydropower: Prospects for Off-Setting Electricity Costs for Agricultural, Municipal, and Industrial Water Providers and Users \(2017\)](#) (1,432 downloads)
- [Negotiating Terms and Conditions: An Overview of the Federal Energy Regulatory Commission Hydropower Settlement Agreement Process \(2018\)](#) (747 downloads)
- [FERC Hydropower Licensing: A Review of Utilization of the ILP, TLP and ALP \(2018\)](#) (783 downloads)
- [Bureau of Reclamation Hydropower Lease of Power Privilege: Case Studies and Considerations \(2018\)](#) (717 downloads)
- [Basin-wide Approaches to Hydropower Relicensing: Case Studies and Considerations \(2019\)](#) (851 downloads)

Metrics Category (2020, Lifetime)	Hydropower RAPID Toolkit	RAPID Toolkit (All Technologies)
Users (2020 Calendar Year)	2,600	62,620
Sessions (2020 Calendar Year)	3,400	78,800
Pageviews (2020 Calendar Year)	7,850 hydropower specific (max potential of 61,400)	135,975
Users (Lifetime)	10,200	215,000
Pageviews (Lifetime)	27,300 hydropower specific (max potential of 207,900 total pages)	451,400

Annual Maintenance of Hydropower Content (FY21)

Detailed Annual Maintenance Plan

- Review for changes to laws, regulations, and policies and update accordingly to represent the most current process*
- Review and update legal citations and references for federal and state regulatory process pages*
- Identify and update broken links to statutes/regulations and agency websites
- Update regulatory process pages to:
 - Increase search engine optimization
 - Improve readability (e.g., NHPA Section 106 Process)
 - update permitting/approval thresholds in regulatory process pages (e.g., Oversize and Overweight Permits, Land Use Planning)

*** After a page is reviewed, date stamp for current year is added**

Policy Tracking for *Potential* Updates to Federal Hydropower Content

- [Waters of the U.S.](#)
 - EPA & DOA – announced intent to revise the Final Navigable Waters Protection Rule that went into effect in Jan. 2020 and defines "waters of the U.S."
- [Water Quality](#)
 - EPA – announced intent to revise the 2020 Clean Water Act Section 401 Water Quality Certification Rule to strengthen the authority of states and tribes to protect their water resources, and to align with national objectives outlined in E.O. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

Policy Tracking for *Potential* Updates to Federal Hydropower Content

- [Endangered Species Act Section 7 Consultation](#)
 - NOAA & FWS – announcement of intent to revise, rescind, or reinstate 5 ESA regulations, including:
 - the regulation that revised the process for excluding areas from critical habitat under § 4,
 - the regulatory definition of “critical habitat,”
 - the process for listing decisions and critical habitat designations,
 - the process for interagency consultation under § 7, and
 - reinstating the blank 404(d) rule that extends the “take” prohibition and other protections to threatened species
- [Migratory Bird Treaty Act](#)
 - DOI – memorandum M-37065 rescinds M-37050, which interpreted MBTA to only prohibit the intentional take of protected bird species without a permit (incidental take is not a violation)
 - FWS – a final rule to revoke the January 7 final rule that narrowly interpreted the MBTA to only prohibit the intentional take of migratory birds, and not incidental and unintentional take associated with development activities or project operations. The new rule will return implementing the MBTA as prohibiting incidental take and applying enforcement discretion

Policy Tracking for Updates to Federal Hydropower Content

Potential Content Updates

- [Environmental Review](#)
 - CEQ – final July 2020 rule to update the regulations implementing NEPA, which includes revisions to:
 - reflect the procedural nature of the statute (e.g., § 102(2)),
 - make the regulations consistent w/ E.O. 13807 (OFD) (e.g., allows the lead agency to develop a joint schedule, 2-year goal to complete review, preparation of a single EIS and joint ROD),
 - the regulatory definitions, such as "affecting," "effects," "major federal action," "human environment," adds new definitions of "reasonably foreseeable" and "reasonable alternatives" and eliminates the definition of "cumulative impact,"
 - time limits for EAs and EISs,
 - public participation for EISs,
 - Add more details and clarity on whether a proposed action is categorically excluded
 - *Agencies must propose their own regulations to implement the 2020 rule by Sept. 2021.
 - E.O. 13990 – revokes E.O. 13807 (One Federal Decision); OMB and CEQ must consider whether a replacement order should be issued
 - CEQ – interim June 2021 final rule to **extend the deadline by 2 years for federal agencies to develop or revise proposed procedures for implementing the final July 2020 rule**, and for CEQ to review the 2020 rule for consistency with the nation's environmental, equity, and economic priorities, and for CEQ to determine whether the 2020 rule lawfully interprets and implements NEPA

Policy Tracking for Updates to State Hydropower Content

Content Updates (not yet implemented)

- [Vermont Certificate of Public Good](#)
 - VPUC – changes to net metering thresholds including small hydropower net metered projects impact CPG

Potential Content Updates

- [New York Water Quality](#)
 - NY DEQ – rulemaking to change water quality standards
- ❖ Oregon Water Rights – new rule for the conversion of a hydroelectric water right to an instream water right for purposes of dam removal

Thank You

For questions or
comments,
please contact:

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