OPTION B: DRAFT INTER-AGENCY AGREEMENT ON FERC–USACE COORDINATED PROCESSES

FERC Process

1. **Post Permit / Pre-NOI & PAD**
2. **NOI / Pre-Application Document (PAD)**
3. **Meetings**
   - Scoping Meeting (ILP)
   - Agency/Public Meeting (TLP)
4. **Study Plan Development**
   - Study Plan Meetings
5. **Studies / Application Preparation**
   - Conduct Studies
   - Study Report Meetings (ILP)
   - Joint Technical Meetings (TLP)
6. **Preliminary Licensing Proposal (ILP)/ Draft License Application (TLP)**
7. **Final License Application**
8. **FERC NEPA Document**
9. **FERC NEPA Document / Public Comment**
   - EIS Public Meeting, as appropriate
10. **Licensing Decision**
11. **Post-Licensing / Dam Safety**
    - FERC Dam Safety Review
12. **FERC Authorizes Construction**
13. **Construction**
    - Site Access Agreement is needed for construction
    - Operating Plan is needed to operate
14. **Operations**
    - Site Access Agreement is needed for construction
    - Operating Plan is needed to operate

USACE 408 Process

1. **Conceptual Discussions**
2. **NOI / PAD**
   - 10% Conceptual Design (PAD)
   - Provide feedback on the PAD (during comment period)
3. **Initial Consultation/Scoping**
   - Agency Scoping Meeting
   - Identify Needs and Requirements
4. **Study / Survey Plan Development**
   - Geotech Exploration Plan
   - If FERC's study determination does not include 408 studies needed, then USACE provides a letter clarifying needs
5. **Studies / Application Preparation**
   - Joint Technical Meetings on relevant topics (FERC, USACE, Developer)
   - *(1 year after study determination, initial study report (ISR) distributed, then have meeting within 15 days and additional technical meetings, as needed*
6. **Review FERC Draft License Application**
7. **FERC License Application**
   - 30% Project Design Drawings
   - Preliminary Engineering Technical Analysis (ETA)
     - Operation Impacts
     - Mission Impacts
   - Initial Division (Div) / Headquarters (HQ) Briefing
8. **FERC NEPA Document**
9. **USACE Feedback on FERC NEPA Document**
   - USACE Affirm Information Needs
   - Joint Meeting, as appropriate
10. **USACE Reviews FERC License**
11. **Post Licensing / Dam Safety 408 Application and Review**
    - MOA for Design and Construction (list outstanding items to be addressed (90 days after license issuance)
    - Final Design/Detailed ETA (60-100%) 60% inform and adjust; 100% for dam safety/life safety/ environment/operations ultimately needed
      - 100% District to Div/HQ
      - In progress reviews at Division and HQ at 60/90% levels
      - • Division/HQ review
12. **408 Decision, Supplement FERC NEPA, As Necessary**
    - Letter of Approval for 408
13. **Construction**
14. **Operations**

USACE Regulatory 404 Process

1. **Pre-Application Meeting**
2. **NOI / PAD**
   - USACE Feedback on PAD (during comment period)
3. **Initial Consultation**
   - Agency Pre-Application Meeting
4. **USACE Regulatory 404 Study Needs in Study Plans**
   - If FERC's study determination does not include 404 studies needed, then USACE provides a letter clarifying needs
5. **Studies / Application Preparation**
   - Joint Meetings on Relevant Topics
   - Developer to Prepare Studies
6. **Review FERC Draft License Application**
   - Affirm Jurisdiction (Aquatic Resources)
   - 404 Alternatives: avoid, minimize, mitigate (occur throughout)
   - Identify Information Needs
7. **Ongoing Coordination between FERC, USACE and Developer**
8. **404 Application**
   - FERC NEPA Document Review
9. **USACE Feedback on FERC NEPA Document**
   - USACE Feedback on Alternatives Analysis
     - Joint Meeting, as appropriate
   - USACE Begins Drafting 404 Permit Decision, Supplemental NEPA Information, Pending 408 Decision
10. **404 Permit Decision, Supplement FERC NEPA, As Necessary**
11. **Post Licensing / Completion of 408 Review**
12. **404 Permit Decision, Supplemental NEPA, As Necessary**
13. **Construction**
14. **Permit Compliance**

US Army Corps of Engineers

OAK RIDGE National Laboratory

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