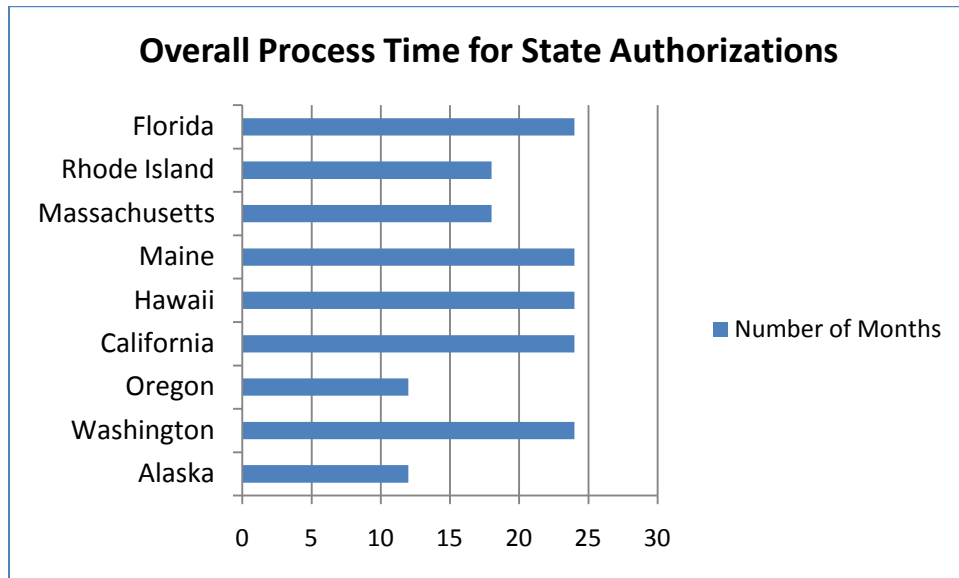


Appendix A: State Authorization Process Times

The purpose of this chart is to show the range of authorization process times among states. Each bar on the chart depicts, by state, the total expected time necessary for state agencies to review and issue decisions on their respective state authorizations for commercial scale, grid-connected hydrokinetic projects. These time frames reflect the review process from commencement to completion; however, they do not reflect time needed prepare application packages, which must be submitted in order for the review process to commence.³⁵¹



As demonstrated in the above chart, process times for siting hydrokinetic facilities can vary significantly from state to state. Authorizations with particularly comprehensive review criteria or those which involve public comment periods and hearings will inherently require more review time. For example, Washington, California, Hawaii, and Massachusetts each have “little NEPA” laws that provide for state agency environmental reviews. These state environmental review processes may extend the overall process time for several months or more.

Conversely, if a proposed project requires compliance with both a state environmental protection law and NEPA, it may be possible for the environmental review processes to be coordinated. This type of coordination can provide for joint planning processes, joint environmental research and studies, joint public hearings, and preparation of joint environmental documents. If the environmental reviews occur separately, the state or federal environmental review process may utilize the documentation already prepared for the project instead of preparing duplicative documentation. For example, if NEPA documentation is prepared prior to the state’s review *and* it complies with and fulfills the provisions of the state’s environmental protection law, the state may choose use the NEPA document in its review of the project. Further, NEPA expressly allows federal agencies to use environmental documents prepared by agencies with statewide jurisdiction.

In general, authorization process times are likely to be shorter in states with streamlined authorization procedures. Oregon, Washington and Maine have each entered into MOUs with FERC to coordinate

³⁵¹ These time frames reflect situations in which project proponents submit *complete* applications to the authorizing agency. Submittal of incomplete information will delay the review, prolonging overall process time.

reviews of proposed hydrokinetic projects.³⁵² These MOUs provide for state governments and FERC to implement key management measures, such as using joint schedules for authorization processing, as well as coordinated preparation and review of environmental documentation for proposed projects. While each state's statutes and regulations will influence the overall process time for hydrokinetic authorizations, the specific circumstances surrounding individual projects will have the most impact on the time frame for reviewing authorization requests. Process times for particularly complex projects may be extended for several months or even years. Similarly, process times will likely be longer for projects proposed in areas that have numerous existing uses or areas with sensitive natural resources.

³⁵² This information is accurate as of November 1st 2009. It is likely that FERC and other states will pursue similar MOUs as the hydrokinetic industry advances.