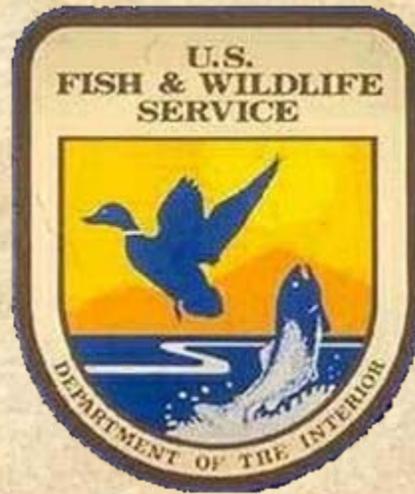


# Vermont Small Hydropower Workshop



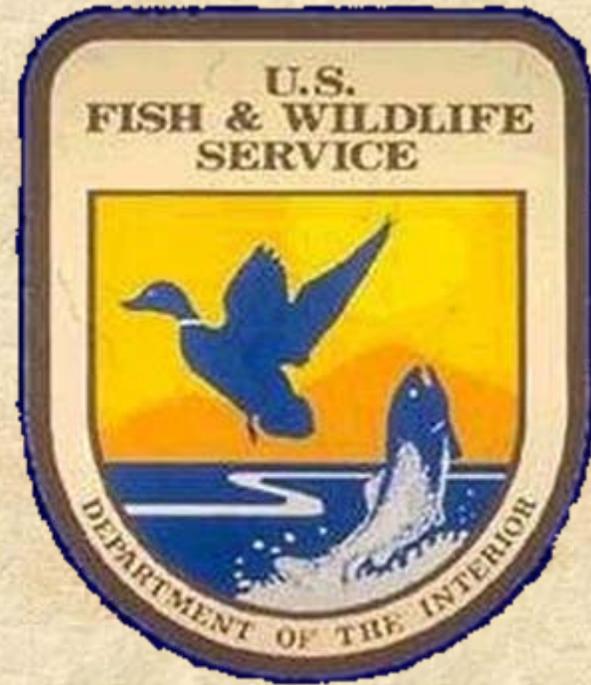
## U.S. Fish and Wildlife Service Role in Hydropower Licensing

# U.S. Fish and Wildlife Service Role in Hydropower Licensing

## Today's Presentation

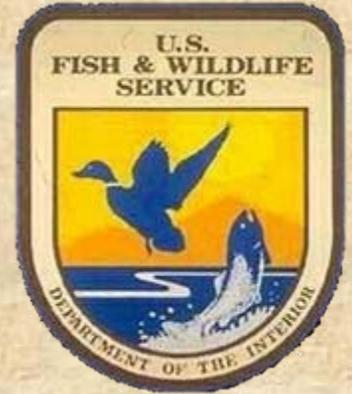
- **Who We Are**
- **Mission**
- **Authorities**
- **Resource Issues**





**U.S. Fish and Wildlife Service**  
**Department of the Interior**

# **United States Fish and Wildlife Service Mission Statement**



**The mission of the U.S. Fish and Wildlife Service is: “Working with others, to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people.”**



## Statutory Authorities

- **Fish and Wildlife Coordination Act**
- **Endangered Species Act**
- **National Environmental Policy Act**
- **Federal Power Act**

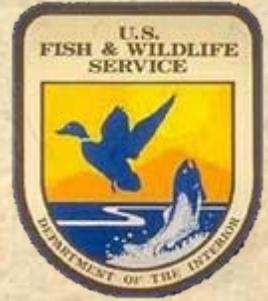
**Note: All in the context of the  
FERC permitting process**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## Statutory Authorities

- **Fish and Wildlife Coordination Act**
  - Consultation with FWS and State
  - Prevent Loss of and Damage to Fish and Wildlife
- **National Environmental Policy Act**
  - Federal Agencies must document the effects of their Actions



# Statutory Authorities

- **Endangered Species Act**
  - Conservation of Ecosystems Through Federal Action and Programs
  - Section 7 Consultation – Impacts to Listed Species



# Statutory Authorities

- **Federal Power Act**
  - Section 4(e) - Federal Lands
  - Section 10(a) & (j) – Protection, mitigation and enhancement of fish and wildlife
  - Section 18 - Fishway Prescriptions
  - Section 30(c) - Terms and conditions for Exemptions



## Statutory Authorities

### Federal Power Act – Section 10(j)

- Provide the FERC recommendations for protection, mitigation, or enhancement fish and wildlife
- These must be included in license unless inconsistent with other Federal law



# Statutory Authorities

## Federal Power Act – Section 18

- Mandatory Prescription of Fishways

“The Commission shall require the construction, maintenance, and operation by a licensee at its own expense of such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce.”



# Statutory Authorities

## Federal Power Act - Section 30(c)

- **Mandatory fish and wildlife conditions for projects exempted from licensing**
- **Prevent loss of or damage to fish and wildlife**
- **FWS, VT Fish and Wildlife**



## **Hydro Project Review**

**\*\* Handled Case by Case \*\***

- **Analyze project impacts on fish and wildlife resources**
- **Seek to minimize adverse impacts of proposed project**
- **Seek mitigation for unavoidable adverse impacts based on the habitat affected**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## Consultation

- **Contact with Public, Applicants, Other Agencies and Interested Groups**
- **Work Directly with Applicant/Consultant**
- **Inter- and Intra-agency Coordination**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## Process

- **Environmental Review and Impact Assessment**
- **Develop Comments, Recommendations, Terms and Conditions, Prescriptions**
- **Prepare Correspondence to Applicant and FERC**



## **Potential Resource Issues**

- **Fish Passage – Upstream and Downstream**
- **Entrainment and Impingement**
- **Instream Flows – Downstream from the Project and Bypass Reaches**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## Potential Resource Issues (cont'd)

- **Reservoir Level Changes or Fluctuations**
- **Water Quality**
- **Threatened and Endangered Species**
- **Wildlife Habitat**
- **Fish and Wildlife Recreation**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## Key Issues – Small Hydro in Vermont

If Project will not change Reservoir Level and will operate as Instantaneous Run-of-river:

- **Instream Flows – Bypass Reaches**
- **Fish Passage – Upstream and Downstream**
- **Entrainment and Impingement**
- **Threatened/Endangered Species**

# U.S. Fish and Wildlife Service Role in Hydropower Licensing



## **The Bottom Line**

**The Service's goal in participating in the FERC licensing process is to Conserve, Protect, and Enhance Fish and Wildlife Resources**