



Federal Energy Regulatory Commission

The Federal Power Act and Hydroelectric Licensing and Exemptions

Small Hydropower Facilities Workshop
April 26, 2007

Who is FERC?

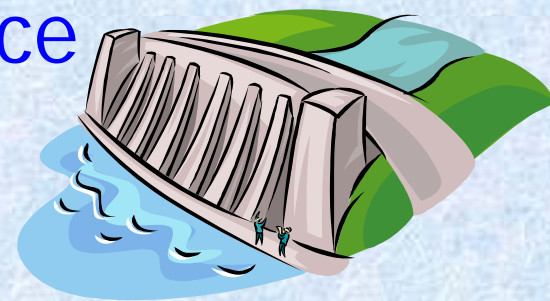


- Independent regulatory agency
- Five member Commission
 - Appointed by the President
 - Confirmed by the Senate

FERC Hydro Jurisdiction



- Non-federal projects that:
 - Affect federal lands
 - Are located on navigable river
 - Use surplus water from a federal dam
 - Affect interstate commerce
 - Commerce clause waters
 - Post-1935 construction
 - Affects interstate or foreign commerce



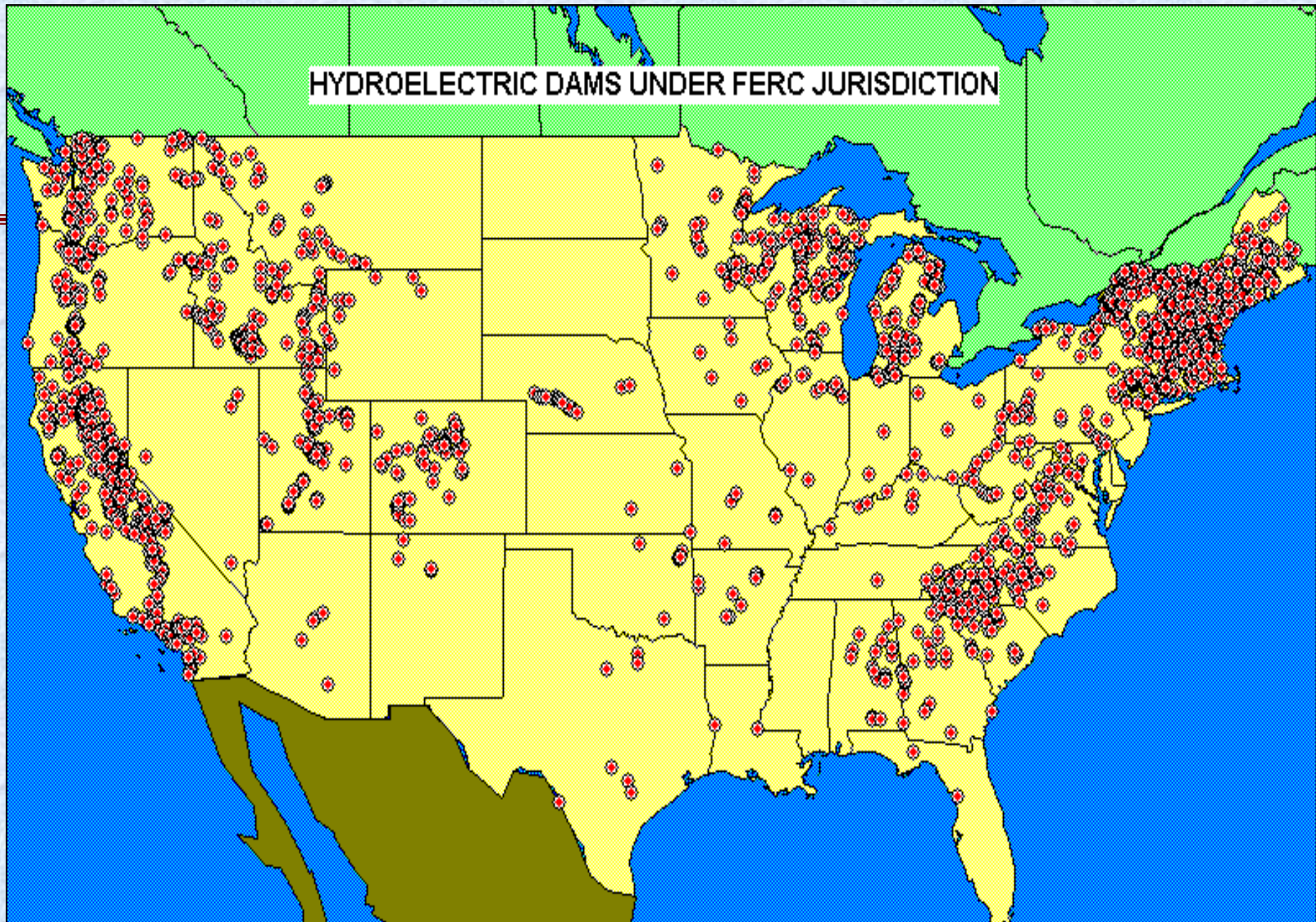
Types of Issuances



- Preliminary Permits (<3 years)
- Exemptions (perpetuity)
 - Conduit
 - 5-megawatts or less
- Licenses
 - 30-50 years



HYDROELECTRIC DAMS UNDER FERC JURISDICTION

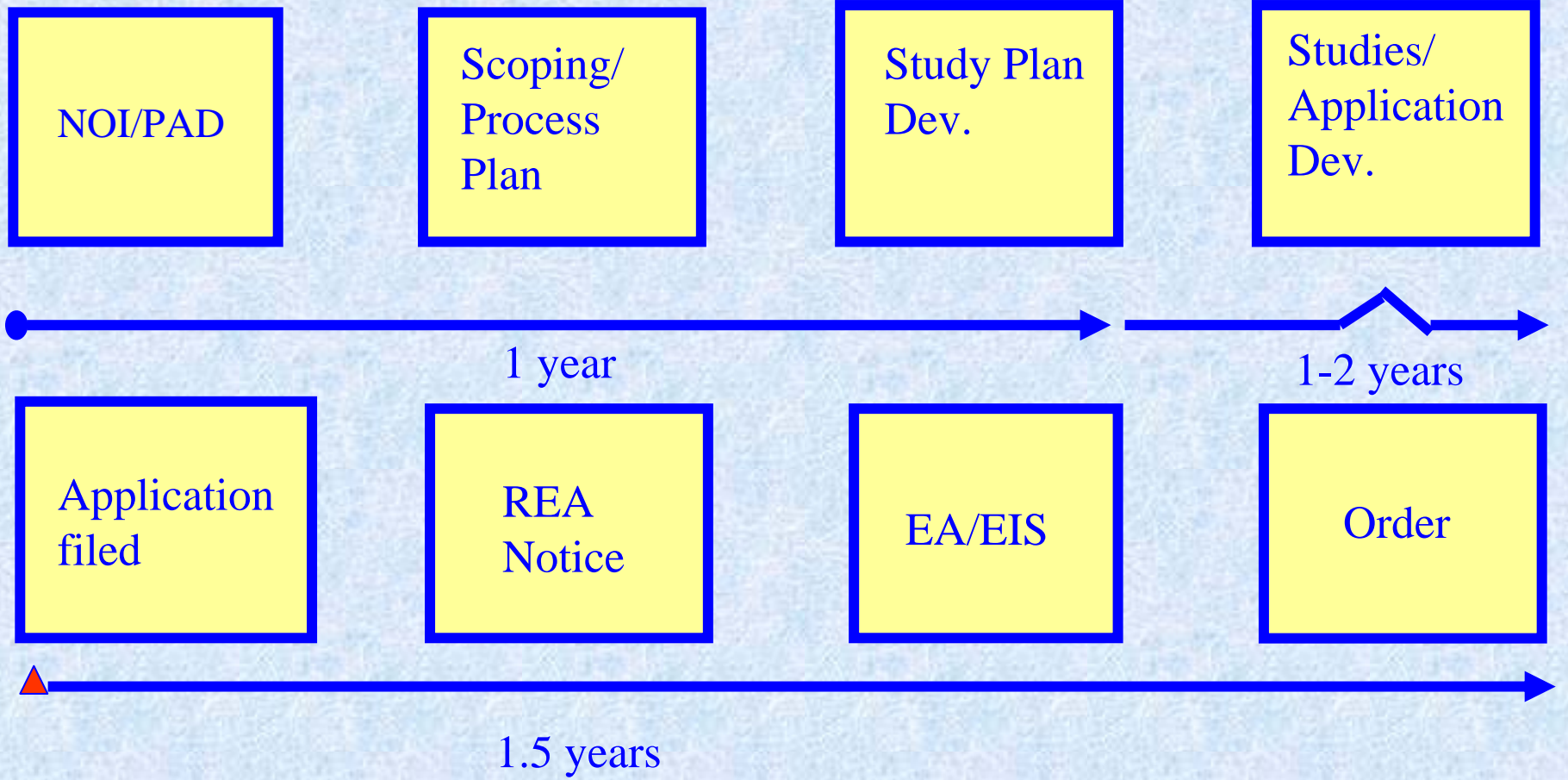


Licensing Process

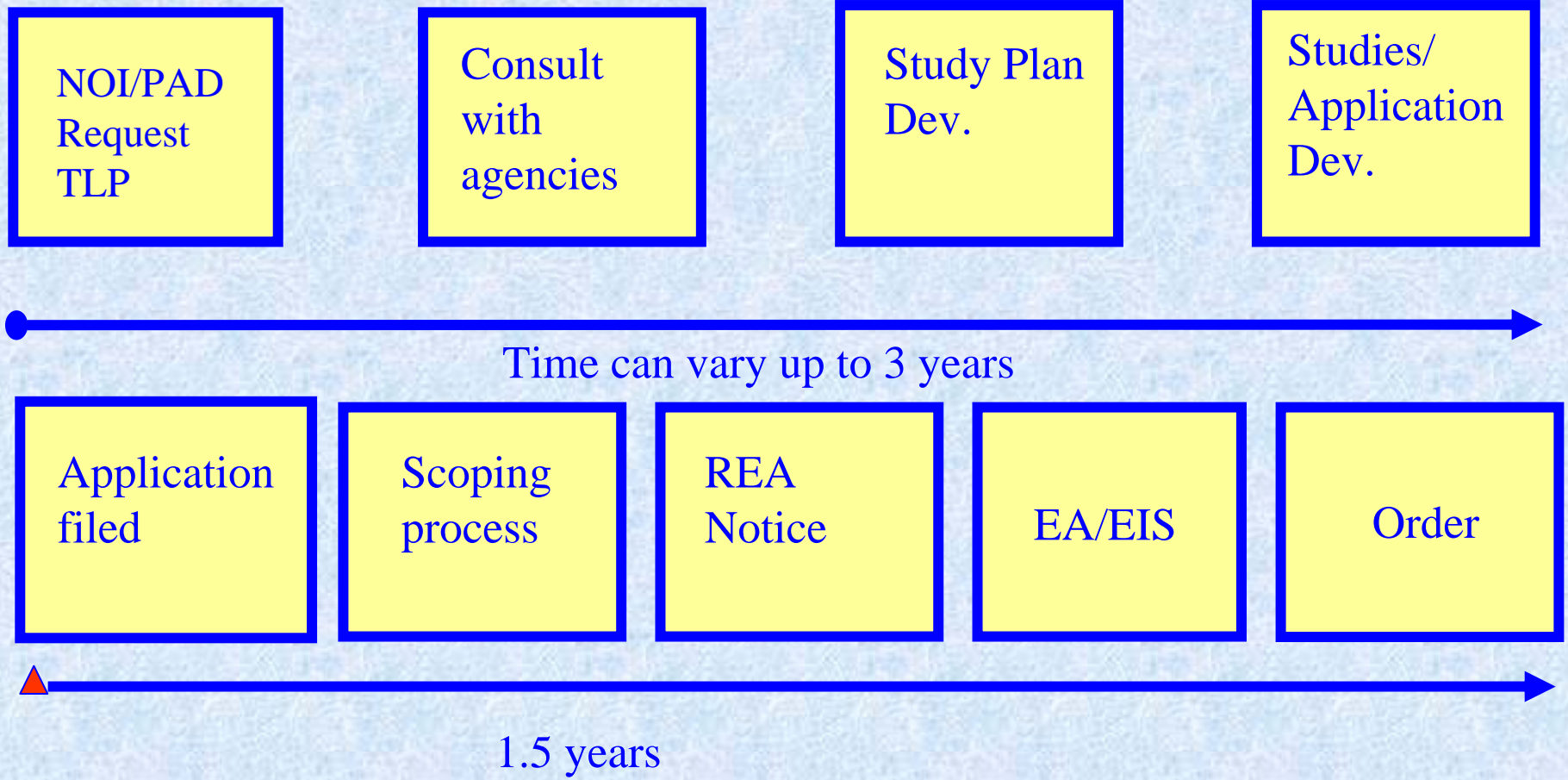


- Traditional-18 CFR Parts 4 and 16
 - pre-filing consultation; voluntary, non-binding dispute resolution
 - application filed; study disputes revisited; additional information requests
- Alternative-18 CFR 4.34 (i)
 - Collaborative prefiling consultation process; limited FERC participation; voluntary, non-binding dispute resolution
- Integrated – 18 CFR Part 5 -- Default
 - Combines prefiling consultation with development of FERC-approved study plan; FERC active; prefiling study dispute resolution; improved coordination with conditioning agencies

Integrated Licensing Process



Traditional Licensing/ Exemption Process



Factors that reduce time and cost



- Project at existing dam
- Little change to water flow and use
- Unlikely to: affect threatened and endangered species; or need fish passage
- Applicant owns all lands needed for project construction and operation
- Information on existing environmental resources and project effects readily available
- Application addresses all issues

How the process can be expedited



- With resource agency cooperation waive some pre-filing consultation requirements
- Combine scoping of issues with pre-filing consultation
- Combine public noticing requirements
- Shorten comment periods
- Use a single environmental document in lieu of draft and final documents

Contact FERC staff



- Get advice on the best way to obtain authorization for your project
- Call 1-866-914-2849
- Email smallhydro@ferc.gov