



NEWS RELEASE

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News Media Contact

Celeste M. Miller | 202-502-8680

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FERC Finalizes Expedited Hydro Licensing Process

The Federal Energy Regulatory Commission (FERC) today issued a final rule establishing an expedited licensing process for original hydropower licenses for certain qualifying facilities at existing non-powered dams and for closed-loop pumped storage projects. The rule is part of the Commission's successful implementation of the America's Water Infrastructure Act of 2018, and seeks to ensure a final licensing decision no later than two years after receipt of a completed application.

In November 2018, FERC invited federal and state agencies and Native American tribes to participate in an interagency task force (ITF) to coordinate the regulatory processes associated with the proposed expedited licensing process. The Commission convened an ITF coordination session in December 2018. Informed by the coordination efforts of the ITF, FERC issued a Notice of Proposed Rulemaking in January 2019 seeking comment on the proposed expedited licensing process.

Under the final rule, an applicant interested in participating in the expedited process must file a request for authorization to do so along with its license application. To qualify as a facility at an existing non-powered dam for the purposes of the expedited licensing process, a facility cannot already be licensed or exempted from the licensing requirements in the Federal Power Act. The applicant also must demonstrate that the facility will be associated with a qualifying non-powered dam and will be constructed, operated, and maintained for the generation of electric power. The facility must generate electricity by using withdrawals, diversions, releases or flows from the associated qualifying non-powered dam and its operations must not make any material changes to the storage, release or flow operations of the associated qualifying non-powered dam.

To qualify as a closed-loop pumped storage project under the expedited licensing process, the pumped storage project must cause little or no change in existing surface and groundwater flows and uses and must be considered unlikely to adversely affect threatened or endangered species or their designated critical habitat under the Endangered Species Act. The final rule also adds qualifying criteria to ensure that a qualifying pumped storage project utilizes only reservoirs situated at locations other than natural waterways, lakes, wetlands, and other natural surface water features; and relies only on temporary withdrawals from surface waters or groundwater for the sole purposes of initial fill and periodic recharge needed for project operation.

The application also must include consultation documentation with stakeholders, including federal and state agencies, tribes and dam owners.

The final rule will take effect 90 days after publication in the *Federal Register*.

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