

# HYDROPOWER LICENSING

## HYDROPOWER INDUSTRY PRIORITIES FOR PERMITTING REFORM IN THE 119TH CONGRESS



The hydropower industry has outlined several key permitting reform priorities for the 119th Congress. **These reforms are crucial to enhancing the development and operational efficiency of hydropower projects across the United States.**

### HYDROPOWER PERMITTING REFORM PRIORITIES:

#### 1. Reforms to Mandatory Conditioning in the Licensing Process

- **Scope Limitation for Sections 18 and 4e of the Federal Power Act:**

- The industry advocates for limiting the application of these sections solely to the effects directly related to hydropower projects. This reform aims to **reduce unnecessary regulatory burdens** and ensure that mandatory conditions are relevant and appropriate to the project's impact.

#### 2. Legislative Fix for FERC Non-Capacity License Amendments

- **Clarification on License Amendment Requirements:**

- The industry seeks to address regulatory ambiguities regarding when it is appropriate to file for a license amendment for non-capacity-related changes. This is especially relevant for operations and maintenance activities in existing licensed and operating hydropower projects, ensuring that **only substantial modifications require formal amendments.**

#### 3. Technical Correction to America's Water Infrastructure Act of 2018

- **Expedited Pathway for Specific Projects:**

- The industry is pushing for a technical correction to the provisions that created expedited licensing pathways for non-powered dams and closed-loop pumped storage projects. Despite the provision's creation, developers have not been able to utilize it effectively. Correcting this issue aligns with the original Congressional intent and could **unlock significant development** potential.

#### 4. New Licensing Pathway for Marine Energy Technologies

- **Streamlined Process for Marine Energy Projects:**

- Recognizing the unique nature of marine energy technologies, the industry proposes the creation of a dedicated licensing pathway. Currently, these projects undergo the conventional hydropower permitting process, which is often ill-suited to their specific requirements. A tailored pathway would **accelerate the deployment of marine energy projects** nationwide.

For more information, contact Matthew Allen | [matthew@hydro.org](mailto:matthew@hydro.org)



# HYDROPOWER LICENSING

HYDROPOWER INDUSTRY PRIORITIES FOR  
PERMITTING REFORM IN THE 119TH CONGRESS



## 5. Streamlining FERC Coordination and Licensing Timelines

### • Improved Inter-Agency Coordination:

- The industry calls for reforms to streamline the Federal Energy Regulatory Commission (FERC) coordination with relevant resource agencies. This includes setting **clearer timelines for agency reviews** and decisions to avoid protracted delays in the licensing process.

## 6. Common Sense Reforms to Applicable Statutes with a Hydropower Permitting Nexus

### • Common sense reforms to the Endangered Species Act and Clean Water Act:

- Several Biden-era rules for laws implemented by the resource agencies deviated from the statute in ways that create adverse effects for hydropower asset owners going through relicensing. These statutes should be reformed to **reflect original congressional intent** and improve processes where appropriate.

## 7. Extension of Construction Start Dates for Impacted Projects

### • Addressing Financing Challenges:

- Due to financing issues stemming from the COVID-19 pandemic and recent high inflation rates, nearly two dozen FERC-licensed hydropower projects totaling nearly 3 GW have not commenced construction. The industry recommends **extending the start-of-construction deadlines for these projects**, providing developers with the necessary time to secure financing and proceed with construction. **NHA urges support for S. 1020 and H.R. 2072, Legislation to require the Federal Energy Regulatory Commission to extend the time period during which licensees are required to commence construction of certain hydropower projects.**

## CONCLUSION:

These core priorities reflect the hydropower industry's commitment to modernizing the permitting framework, fostering innovation in renewable energy technologies, and overcoming financial and regulatory obstacles. **By implementing these reforms, Congress can help unlock the full potential of hydropower as a reliable and firm energy source that can help secure our nation's energy grid.**



For more information on the hydropower industry in the United States, please visit [hydro.org/facts](https://hydro.org/facts).

If you have questions, contact Matthew Allen | [matthew@hydro.org](mailto:matthew@hydro.org)