

# Potential Policy Solutions for Hydropower

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# Recent Hydropower Policy Successes

## Hydropower Regulatory Efficiency Act of 2013 (Pub. L. No. 113-267)

- ✓ Expands small power project exemptions from 5 MW to 10 MW
- ✓ Establishes a subset of conduit hydropower—"qualifying conduit hydropower facilities"—that require no FERC authorization (up to 5 MW)
- ✓ Authorizes FERC to grant preliminary permits up to 3 years, with a 2 year extension
- ✓ Directed FERC to investigate the feasibility of developing a regulatory process for issuing licenses for projects at non-powered dams and closed-loop pumped storage within 2 years, including a pilot program

## America's Water Infrastructure Act of 2018 (Pub. L. No. 115-270)

- ✓ Authorizes FERC to grant preliminary permits for up to 4 years, with a 4 year extension
- ✓ Authorizes FERC to grant longer extensions to begin construction
- ✓ Requires FERC to account for early project investments when establishing new license term
- ✓ Directs FERC to establish procedures to expedite licensing of non-powered dams and closed-loop pumped storage
- ✓ Expands the HREA 2013 program for "qualifying conduit hydropower facilities" up to 40 MW





# Building on Success: Potential Hydropower Policy Solutions

## Potential New Policy Opportunities for Hydropower

- Modernize the hydropower licensing process by requiring all federal and state decisionmakers to consult early in the process; designating FERC as the lead agency; and providing a mechanism for schedule discipline
- Modify existing federal definitions of renewable energy to include hydropower—in all its forms
- Focus federal resource agency hydro licensing decisionmaking on mitigation of identified project effects—i.e., based on a project “nexus”
- Ensure that federal decisionmakers at the local level are meeting established statutory requirements and agency policy
- Establish an expedited relicensing process for projects that already have been licensed before under the more stringent environmental standards of the Electric Consumers Protection Act of 1986 (i.e., requiring FERC to give “equal consideration” to developmental and non-developmental values)



# Building on Success: Potential Hydropower Policy Solutions

## Potential New Policy Opportunities for Hydropower

- Extend to federal agencies the same “equal consideration” obligation as FERC, to ensure that licensed hydropower projects are balanced in the public interest
- Authorize FERC to expand the current “exemption” program by allowing certain projects meeting environmental standards to shift from a license (that requires periodic renewal) to an exemption (that is perpetual)
- Continue to build on lessons learned from HREA 2013 and AWIA 2018 to promote pumped-storage and development of non-powered dams—the pivotal growth areas identified in DOE’s *Hydropower Vision* report
- Establish tax and other economic development policies that treat all renewable resources equally
- Prioritize research and development for emerging conventional hydropower and marine and hydrokinetic technologies



# For more information:

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