FERC Relicensing & Fish Passage: An Update

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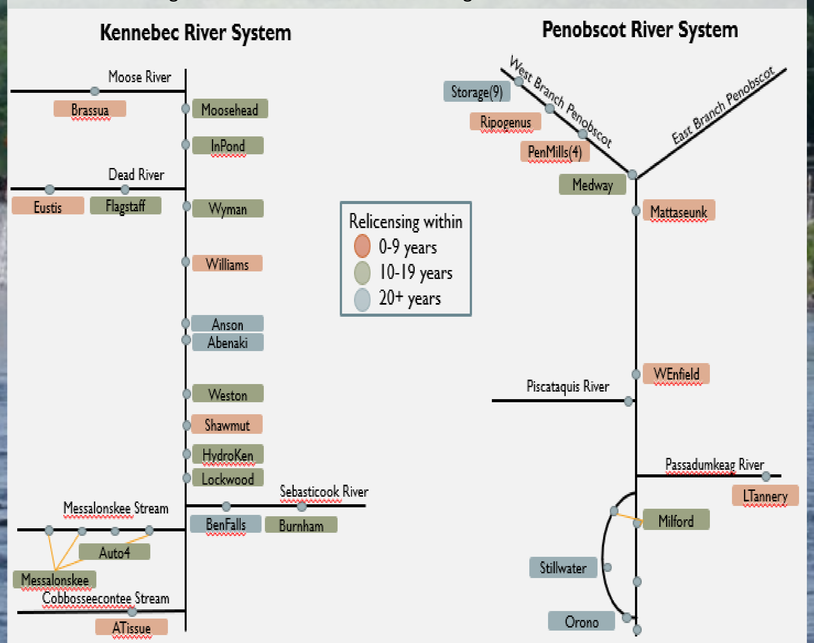
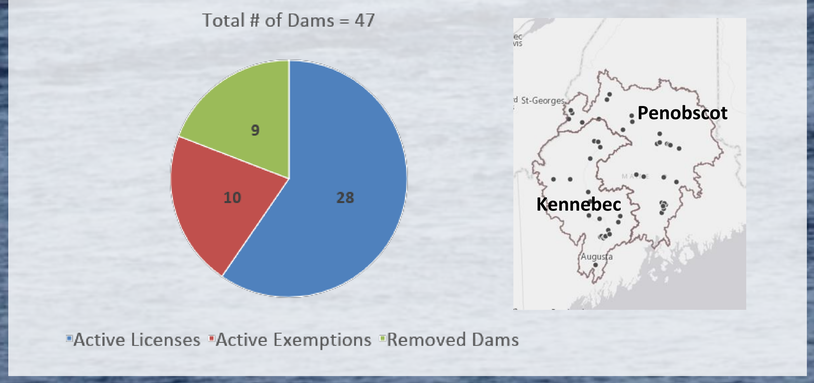
Background

Hydropower dams can cause negative impacts to fish migration and survival. Most non-federal hydropower dams in the US are regulated by the Federal Energy Regulatory Commission (FERC) which issues 30-50 year licenses (40-year default) for projects. These licenses outline project operations for the license term and must be relicensed regularly. The period of relicensing presents the best opportunity for federal and state resource agencies and tribal entities to influence fish passage prescriptions. However, the process can be complicated and laborious; involving many stakeholders, working under differing timeframes, with different levels of authority, within the bounds of a complex legal system. Understanding past decisions may help inform future regulatory and permitting decisions.

Simplified map of the Kennebec and Penobscot River Watersheds indicating **active dams** in need of relicensing within the next two decades



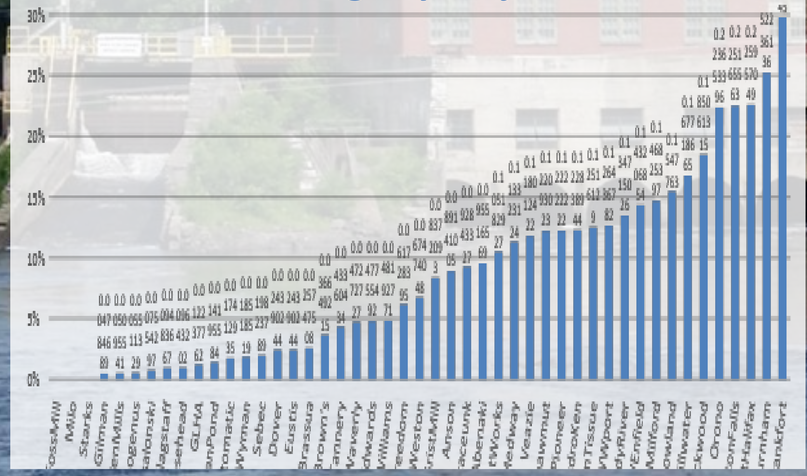
Focus Area: Kennebec & Penobscot Watersheds



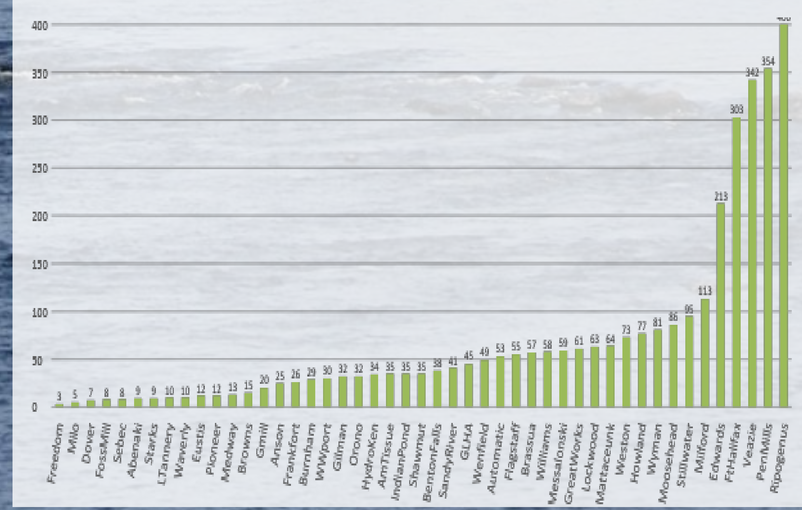
FERC eLibrary & Content Analysis

- **Content analysis** – research methodology for studying documents, which emphasizes pinpointing, examining, and recording patterns
- **FERC eLibrary** – publicly available, centralized records database of documents relating to US energy projects
- **Kennebec & Penobscot hydropower documents: 33,500**

Percentage of Documents Addressing Fish Passage by Project



Number of Official Comments by Project



Takeaways

- Content analysis can be used to understand the variation between projects
- Categorizing projects by fish passage concern can help prioritize conservation actions
- Stakeholder engagement is highest at well-publicized projects and lowest at exempt projects
- Public comments make up the bulk of total official comments and can effect project outcomes
- Use of official commenting by resource agencies is higher with presence of anadromous fish and closeness to the estuary

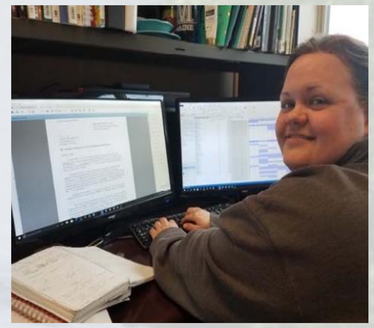
Future Directions

Summer 2018 – Spring 2019

- Apply text and social network analyses to documents
- Conduct focused semi-structured interviews of federal, state, and tribal agencies and entities involved in hydropower relicensing
- Explore:
  - Use of science in decision making
  - Use of biological triggers in management
  - Adoption of basin-wide management
  - Collaborative governance in hydropower relicensing
- Enumerate lessons learned for future regulatory and permitting decisions

Call for Interviews

- Targeted to lessons learned from content analysis
- Focus on federal, state, and tribal resource agencies and entities
- Involvement in FERC relicensing (e.g. fishway design, endangered species protection, water quality certification, etc.)
- **SIGN UP TODAY!**
- **SARAH.VOGEL@MAINE.EDU**



Acknowledgments

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