



Issuing a Right-of-Way or Special Use Permit for a Hydropower License

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Overview

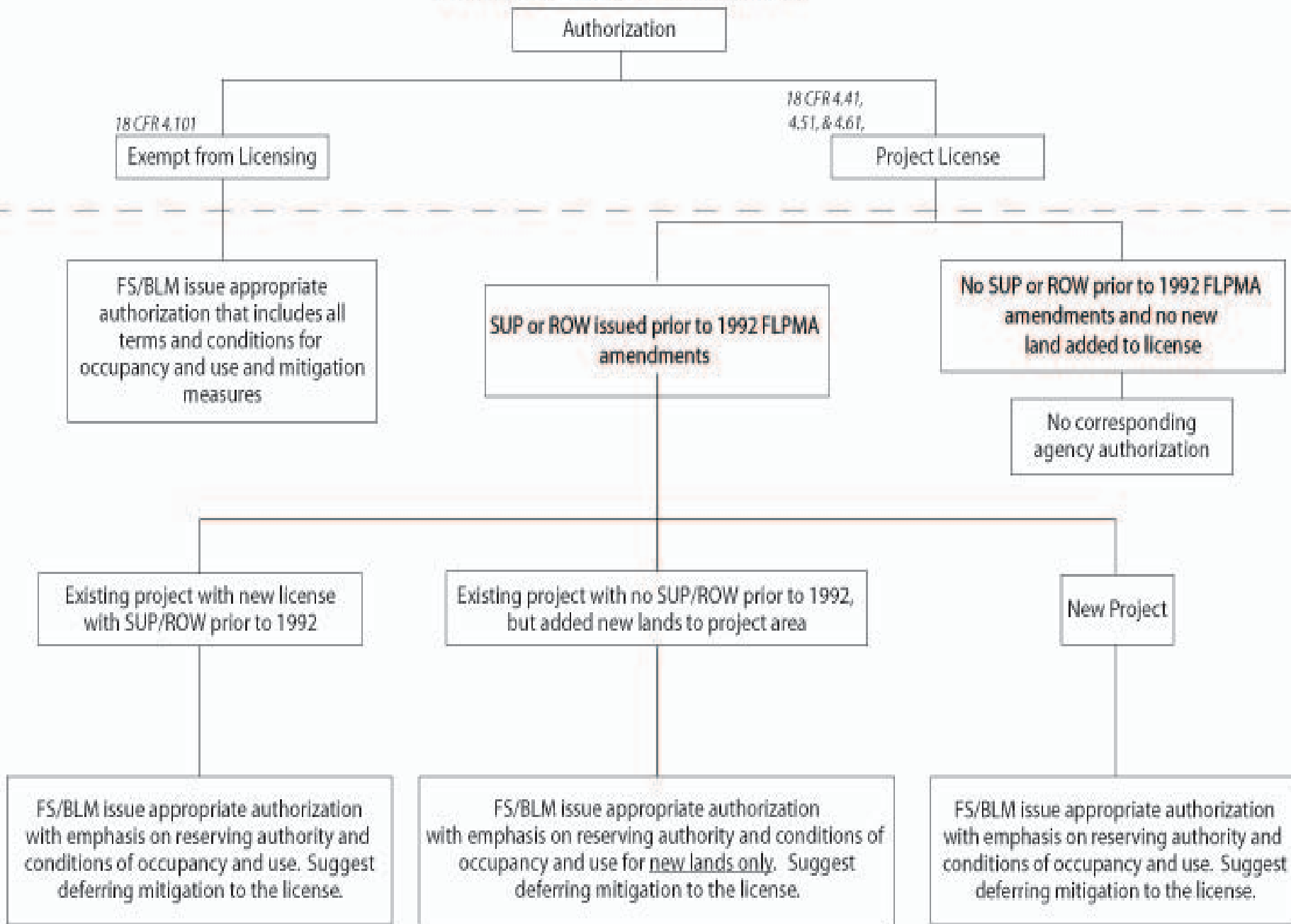
- ❑ Authority to Issue Authorization
 - ❑ When to issue authorization
 - ❑ Details of the authorization
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Authority to issue ROW/SUP

- ❑ Federal Land Management and Policy Act provides for issuance of a ROW/SUP for hydroelectric licenses (P.L. 102-486, 1992).
 - ❑ For preliminary permits, BLM issues a ROW if use is going to be “ground disturbing,” such as Geotechnical Studies.
 - ❑ Forest Service issues a Investigative Study Permit for all preliminary permits.
 - ❑ Authority for minor ground disturbing, trimming bushes, thermographs, pressure transducers (stream flow), etc.
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Issuance of a USFS SUP or BLM ROW Following Final FERC Authorization





Details, Details, Details . . .

- ❑ Cost Recovery Fees, processing and monitoring, are issued for the ROW/SUP only and not the work done under the license.
 - ❑ In most cases, full cost recovery can be expected when processing the ROW/SUP.
 - ❑ FERC License serves to occupy land, environmental regulation, safety, and factors effecting project economics
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Details Continued . . .

- ROW/SUP stipulations should not conflict with the hydropower license issued by FERC (stream flow, recreation sites, etc.), limited to administrative provisions such as road access, emergency access, etc.

Rent is not charged for ROW/SUP within boundary, but outside of boundary it is (separate ROW issued case specific).

- For projects Exempted from Licensing, the FLPMA authorization is the lead authorization instrument; Therefore, all costs incurred by BLM?FS are recoverable to prepare and issue ROW/SUA for Exemptions
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FERC recovers costs

- ❑ FERC recovers Other Federal Agency costs under Section 10(e)(1) of the FPA
 - ❑ Reimburses Treasury
 - ❑ No agency gets direct cost recovery
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FS Direction on Cost Recovery

- ❑ Leslie Weldon, Deputy Chief, clarified direction via April 18, 2012 letter to field
 - ❑ Cost associated with FERC licenses are not recoverable under agency cost recovery regulations
 - ❑ SUA's should not duplicate substantive, environmental terms & conditions in license
 - ❑ FSH 2709.15, Chapt 60 – SUA's should be administrative in nature
 - ❑ Attempt to tier to FERC's NEPA
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Questions
