

Section 24 of the Federal Power Act



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The Federal Govt and Waterpower

- ❑ Since the first designation in 1888, Congress has set aside lands for both water supply and waterpower production.
- ❑ Title I of the Federal Power Act (FPA) outlines hydroelectric licensing for the United States.
- ❑ At the end of the FPA, Section 24, discusses how to handle applications and licenses.

Section 24 of Federal Power Act

- ❑ The only authority that creates a withdrawal upon application.
 - ❑ FERC has authority over waterpower values.
 - ❑ Land Management Agencies do not have a say when an application is filed.
 - ❑ BLM, being the U.S. land recorder, is responsible for keeping track of such realty actions.
 - ❑ Important to make comments when solicited.
-

Filing an Application under Section 24



Federal Energy
Regulatory Commission
(FERC)

Land Management
Agency

- Upon filing of the application, lands are withdrawn from surface entry (See Handout Green Power, Inc.)

Issuance of Preliminary Permit

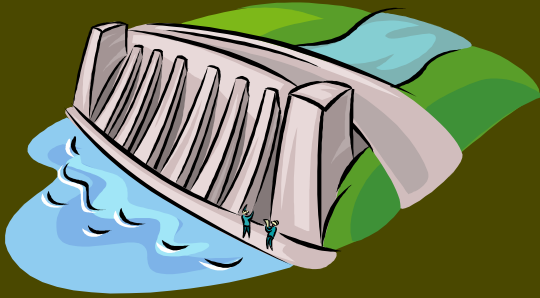
After a few months, FERC issues a preliminary permit

Once issued the preliminary permit closes the lands to the mining laws

The preliminary permit allows the applicant to study the potential project to see if it is economically feasible (Given three years)



Issuance of Preliminary Permit



Upon Application:
Closed to Surface Entry



**Federal Energy
Regulatory Commission**

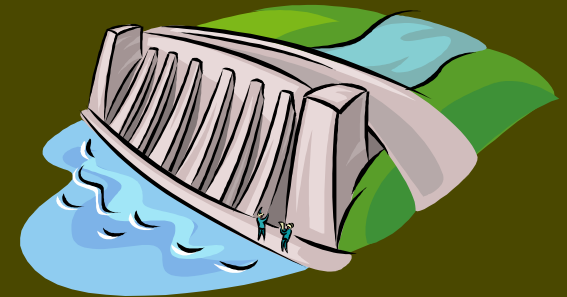


Issuance of Preliminary Permit:
Closed to Mineral Entry



Issuance of Licenses

Upon Application:
Closed to Surface and Mineral Entry

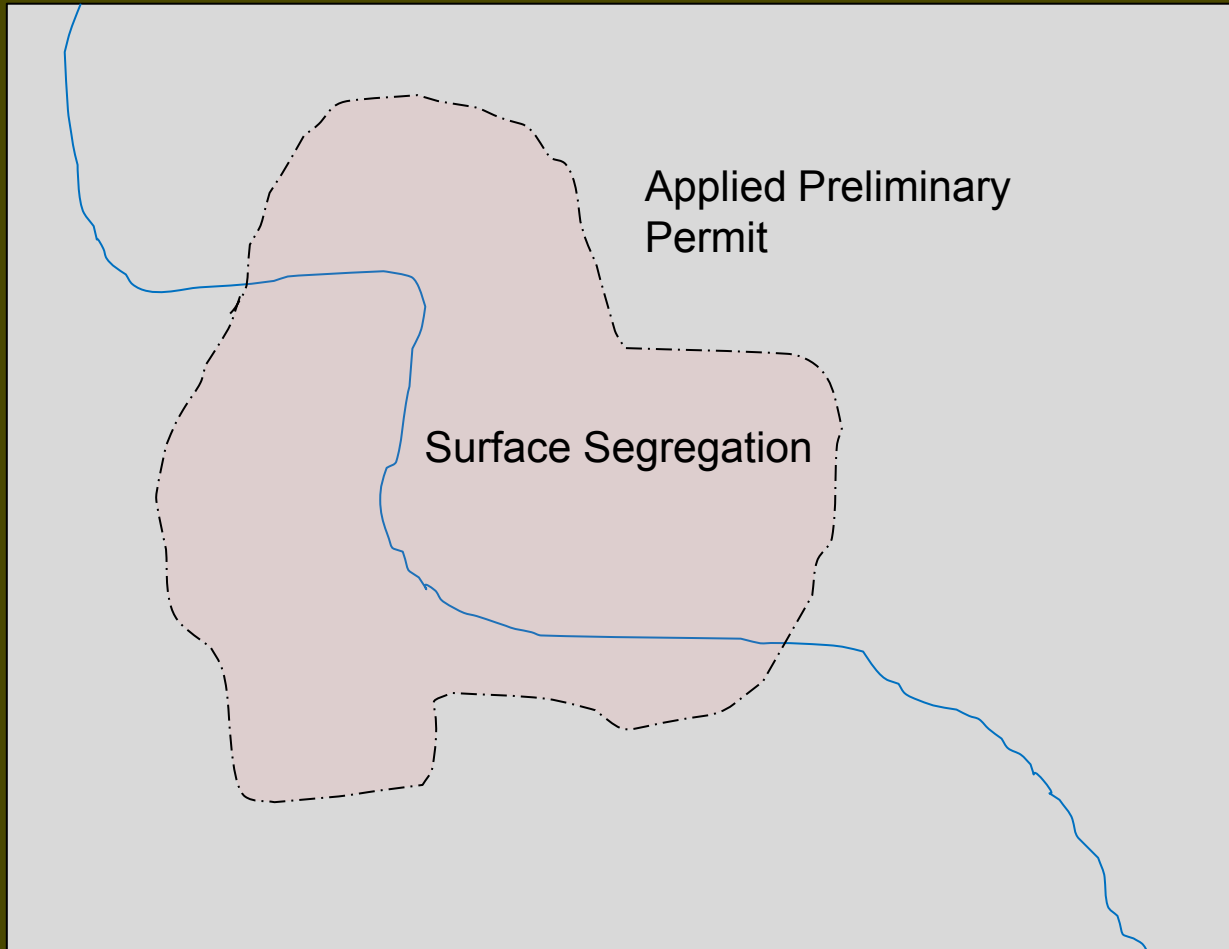


Be aware! Boundaries change many times throughout process.

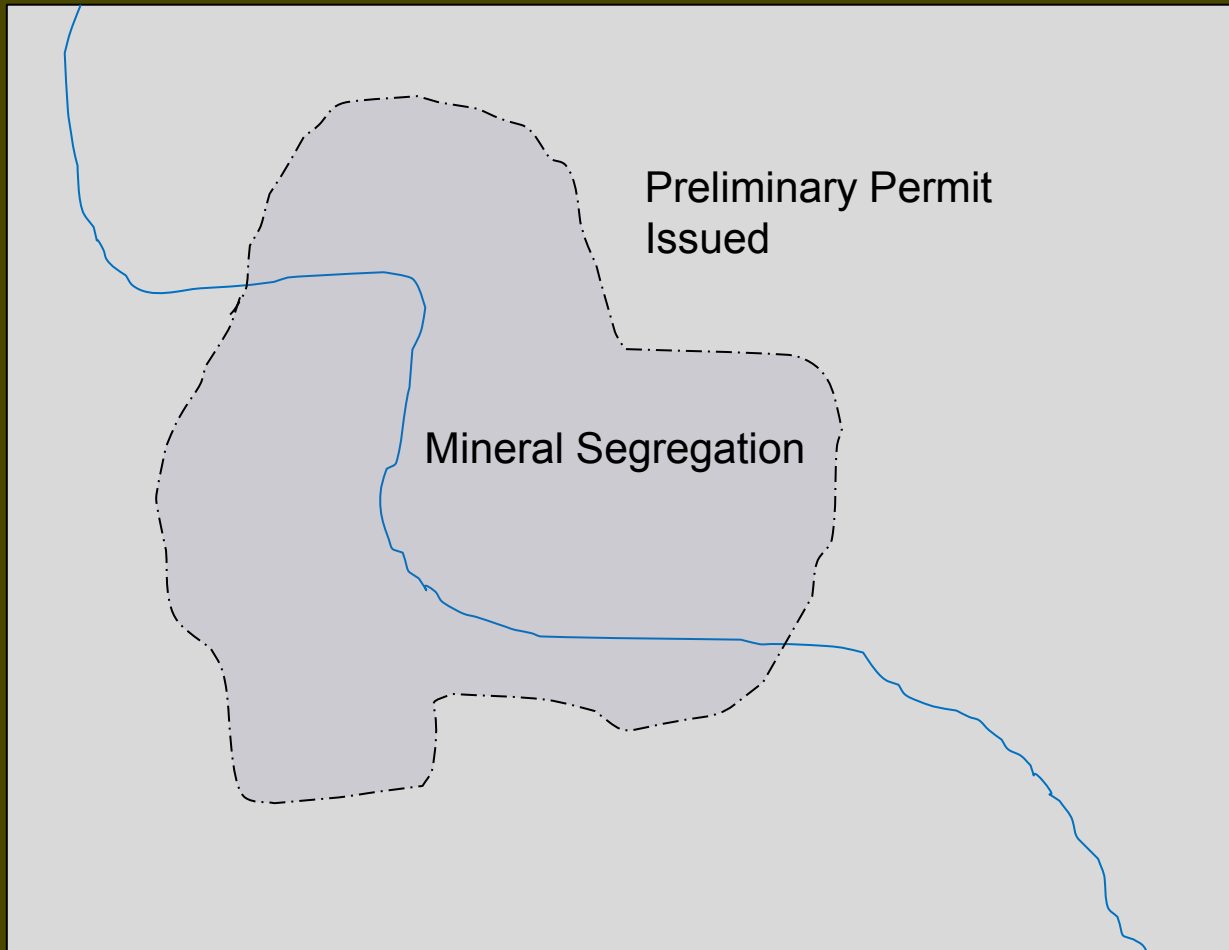
Expiration of Preliminary Permits and Licenses

- Upon surrender, termination, or expiration of a preliminary permit mineral segregation ends.
 - FERC needs to segregate surface segregation.
 - Land management agencies need to track withdrawals created by preliminary permits or licenses.
 - When licenses or permits go away, land management agencies need to ensure that FERC has vacated the lands.
-

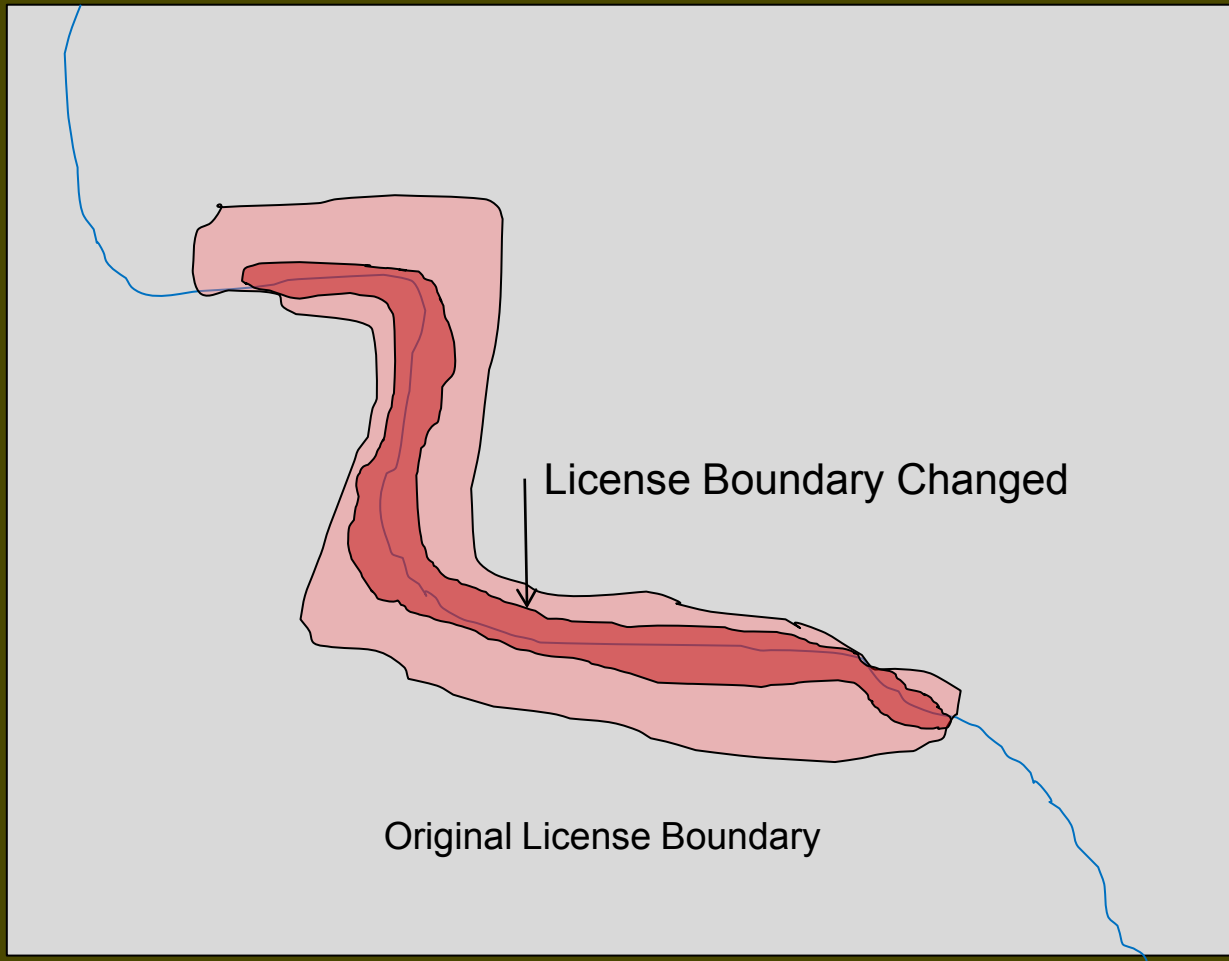
Review



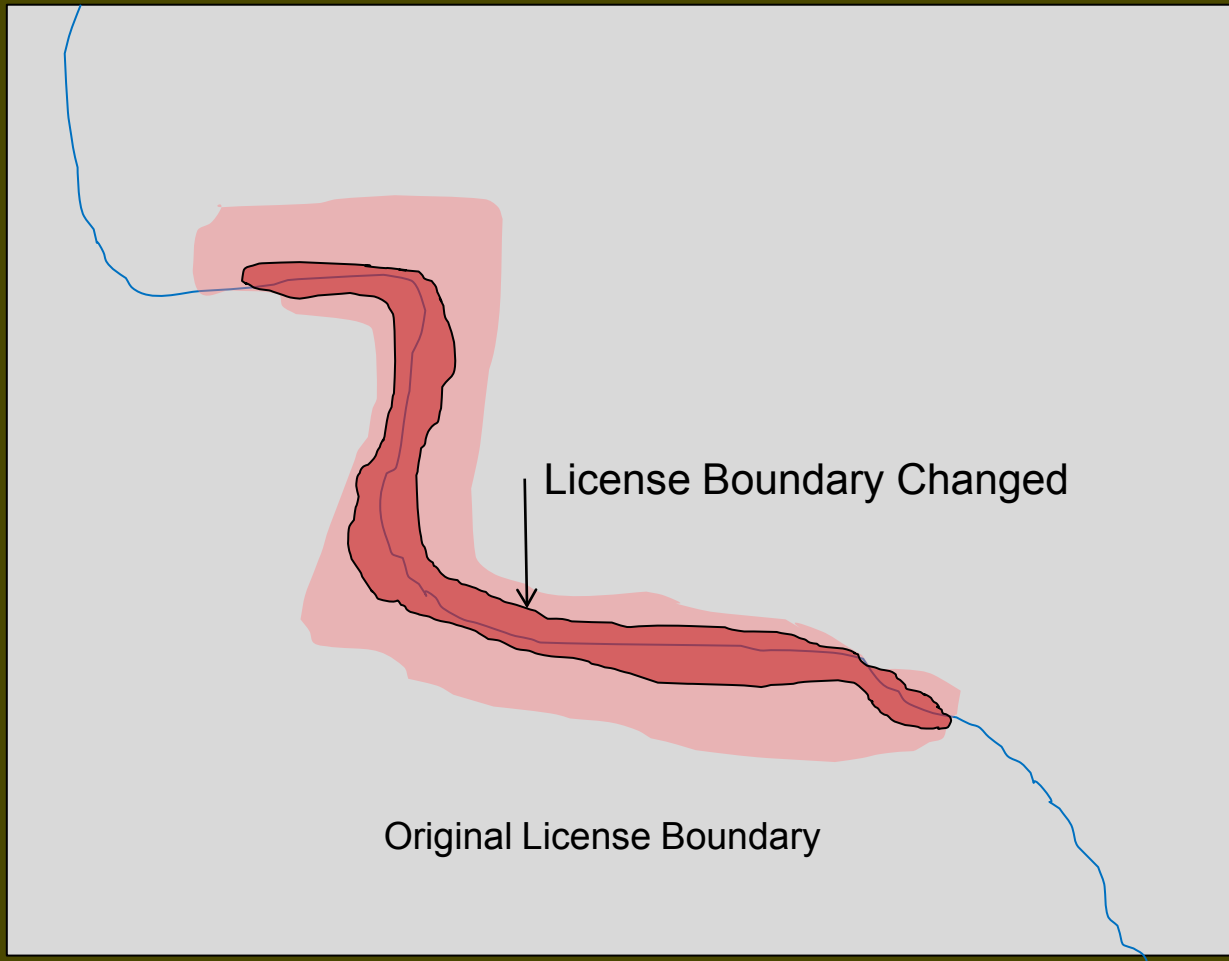
Review



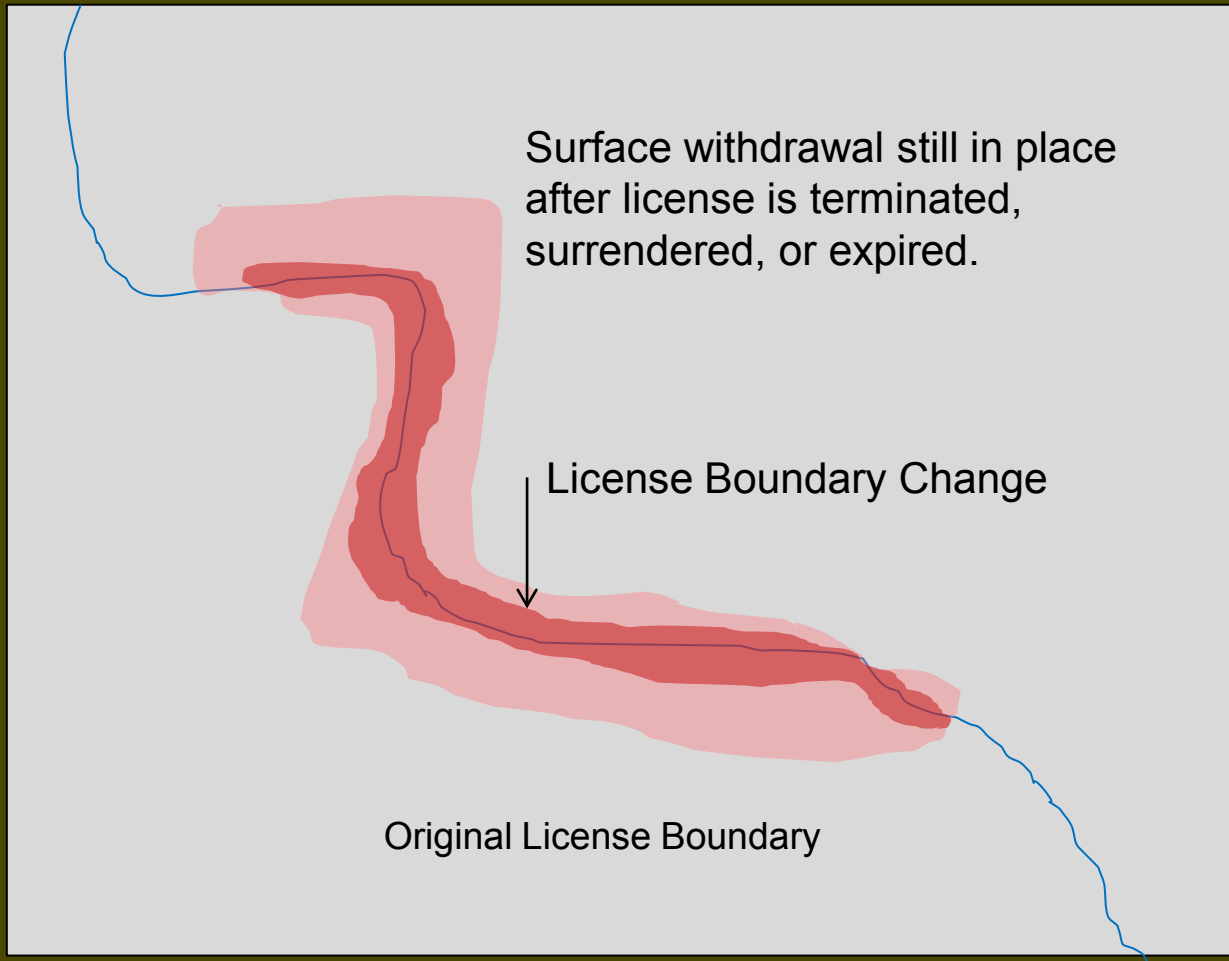
Review



Review

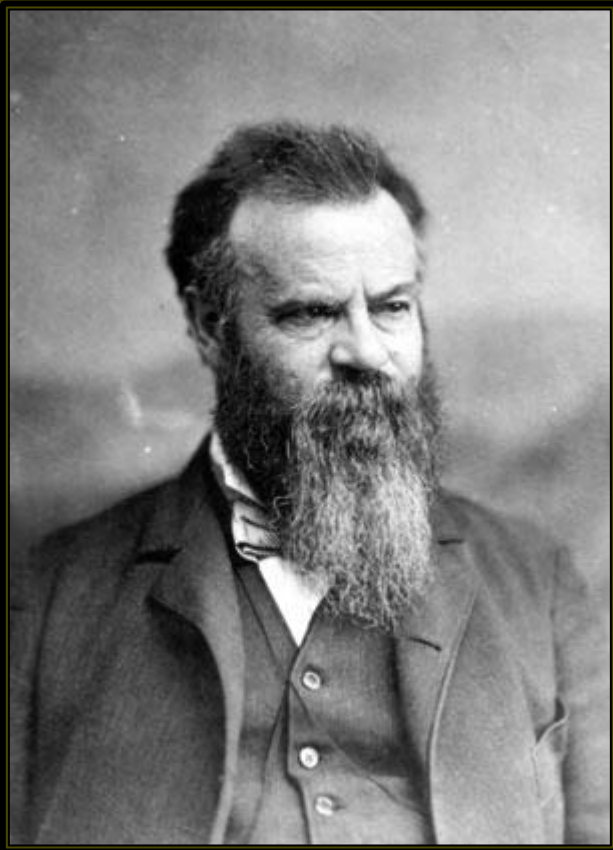


Review



Questions

Withdrawal Authorities



(See Handout)

John Wesley Powell, circa 1874.
Second Director of USGS from 1881 to 1894.

Roles and Responsibilities

- ❑ The Federal Energy Regulatory Commission (FERC) is responsible for the waterpower values on all Federal Lands
 - ❑ Secretary of Agriculture and Interior are responsible for all other resource values within the withdrawal.
 - ❑ The BLM is responsible for evaluating and making recommendations on the waterpower values.
 - ❑ The Secretary of the Interior is responsible for “restoring” parcel to the public land laws.
-

TOWNSHIP 9 SOUTH RANGE 46 EAST OF THE WILLAMETTE MERIDIAN, OREGON

VALE DISTRICT - BAKER RA

BAKER COUNTY

090s460em01.tif

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

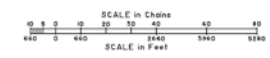
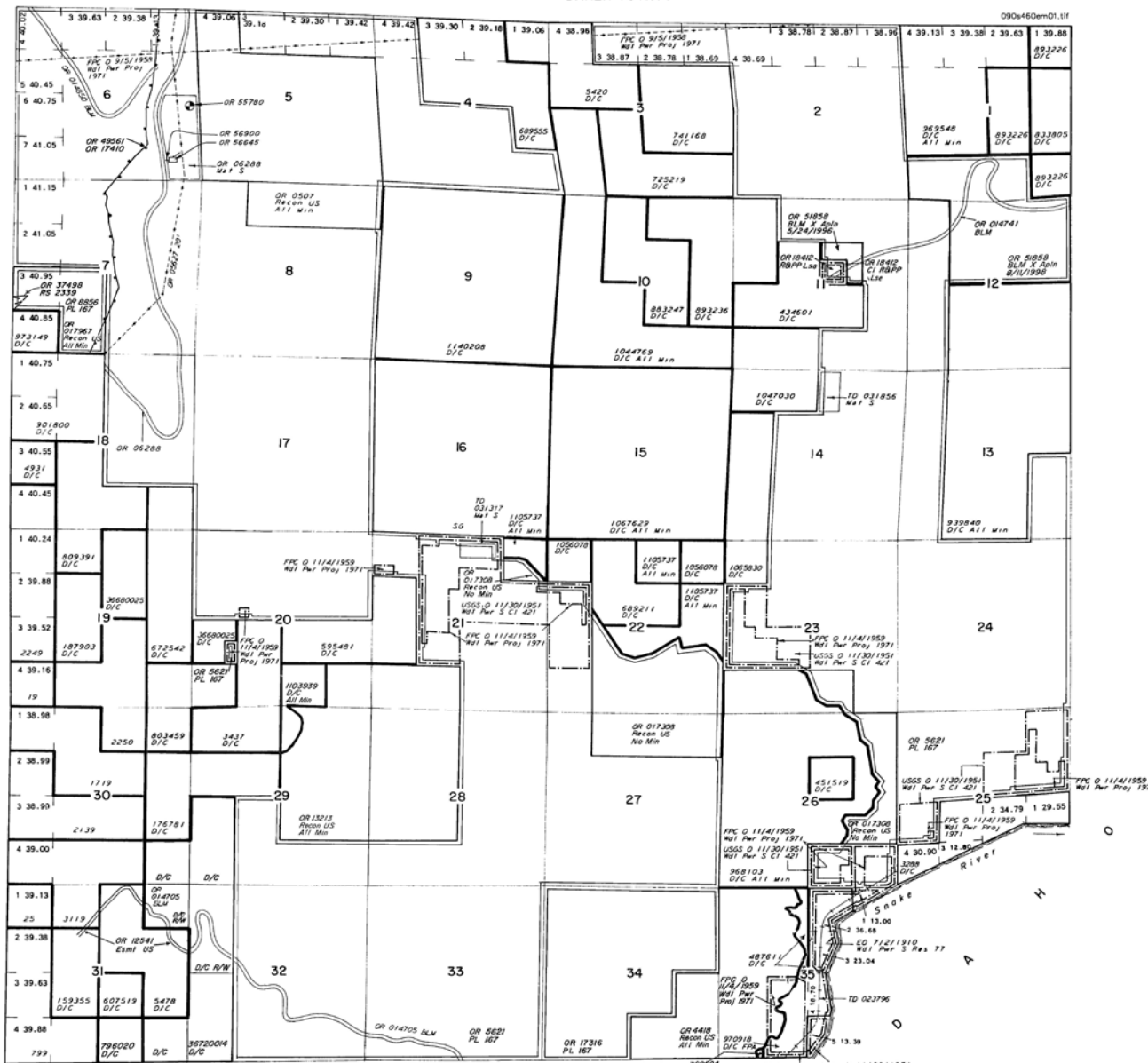
INDEX TO SEGREGATED TRACTS

RESURVEY TRACT NO	ORIGINAL SURVEY		
	T	R	SUBDIVISION

FOR ORDERS AFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION,
MINERAL WATER AND/OR OTHER PUBLIC PURPOSES,
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

OR 5621 Det PL 167 (Act of Cong 07/23/1955)
completed 06/25/1970, all PD surface Mgmt by BLM

OR 8856 Det PL 167 (Act of Cong 07/23/1955)
completed 09/05/1972, all PD surface Mgmt by BLM

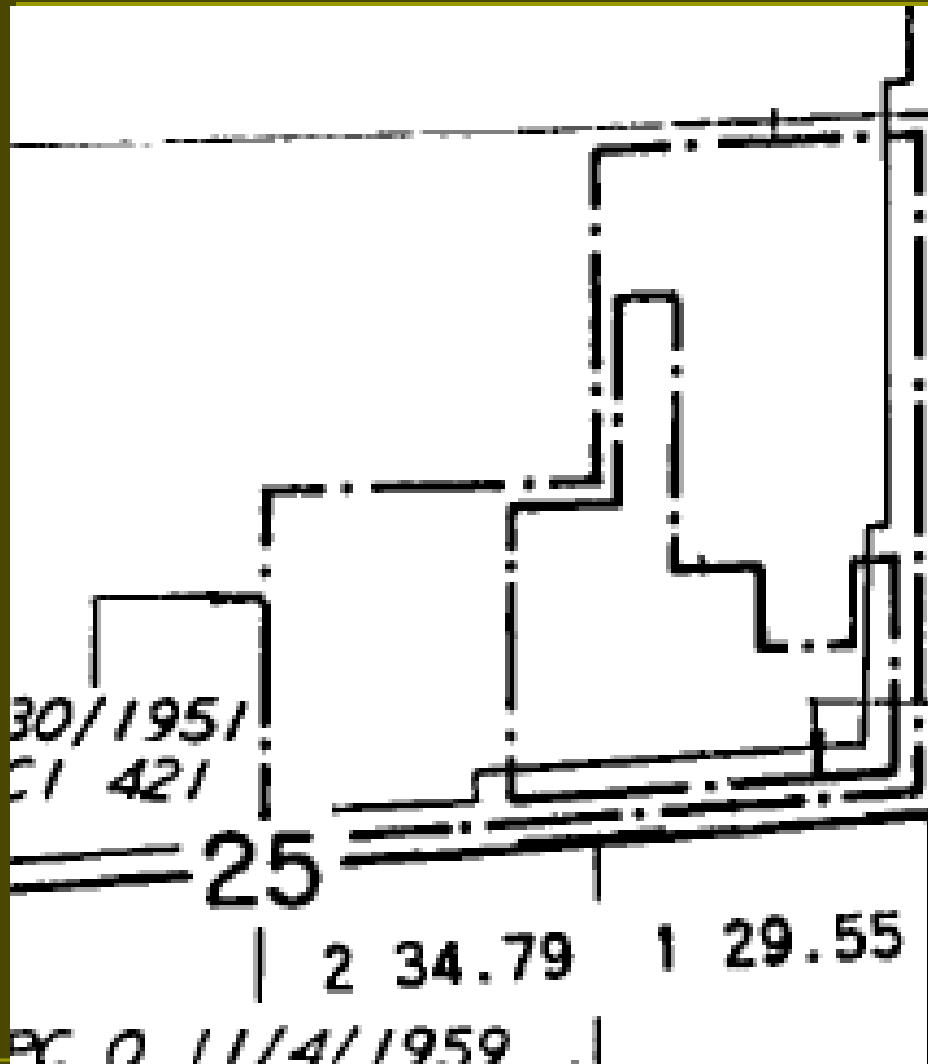


FILE REF 090s460em01.tif ACAD Mag2000/BTX RasterCAD 6.0
CONVERT JPEF 05/10/2001 BY H GISCH
LAST UPDATE 05/17/2005 BY R LIGONS
POSTED TO PUBLIC RECORDS 03/21/2005

SURVEYED TOWNSHIP	
SURVEYED COORDINATE SOURCE	N/A
GCS/NAD 83 CURRENT TO	N/A
IMAGE SOURCE	SCANNED ORIGINAL MTP
PROJECTION	N/A
COORDINATE ELEVATION	N/A
SOURCE FOR METERS & BOUNDS	N/A

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a guide to determine the location of public lands. Actual locations of public lands are shown on maps, and should be determined by field measurements at sites of other lands of interest. Refer to the separate reports for official survey information.

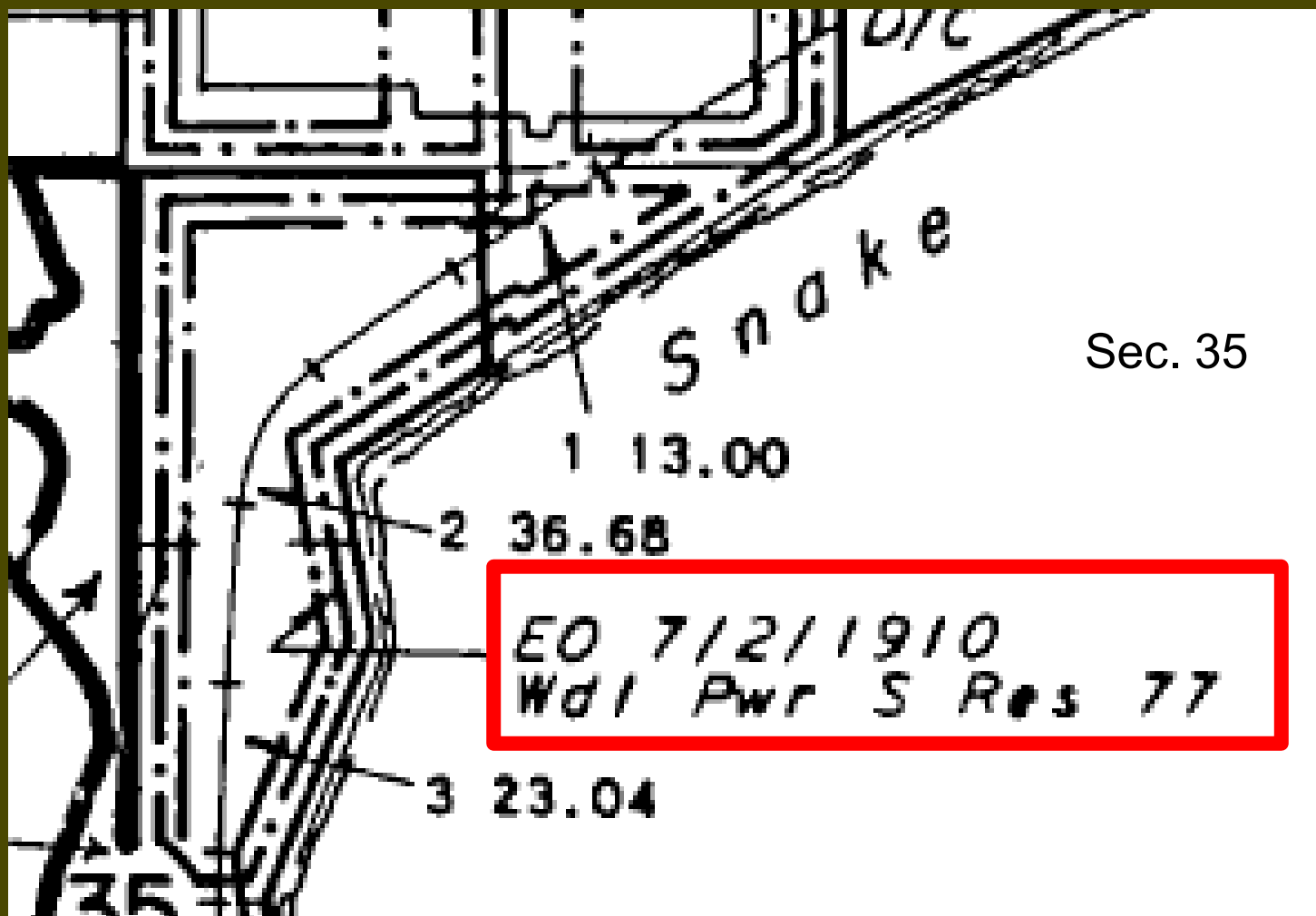
FERC Power Withdrawal



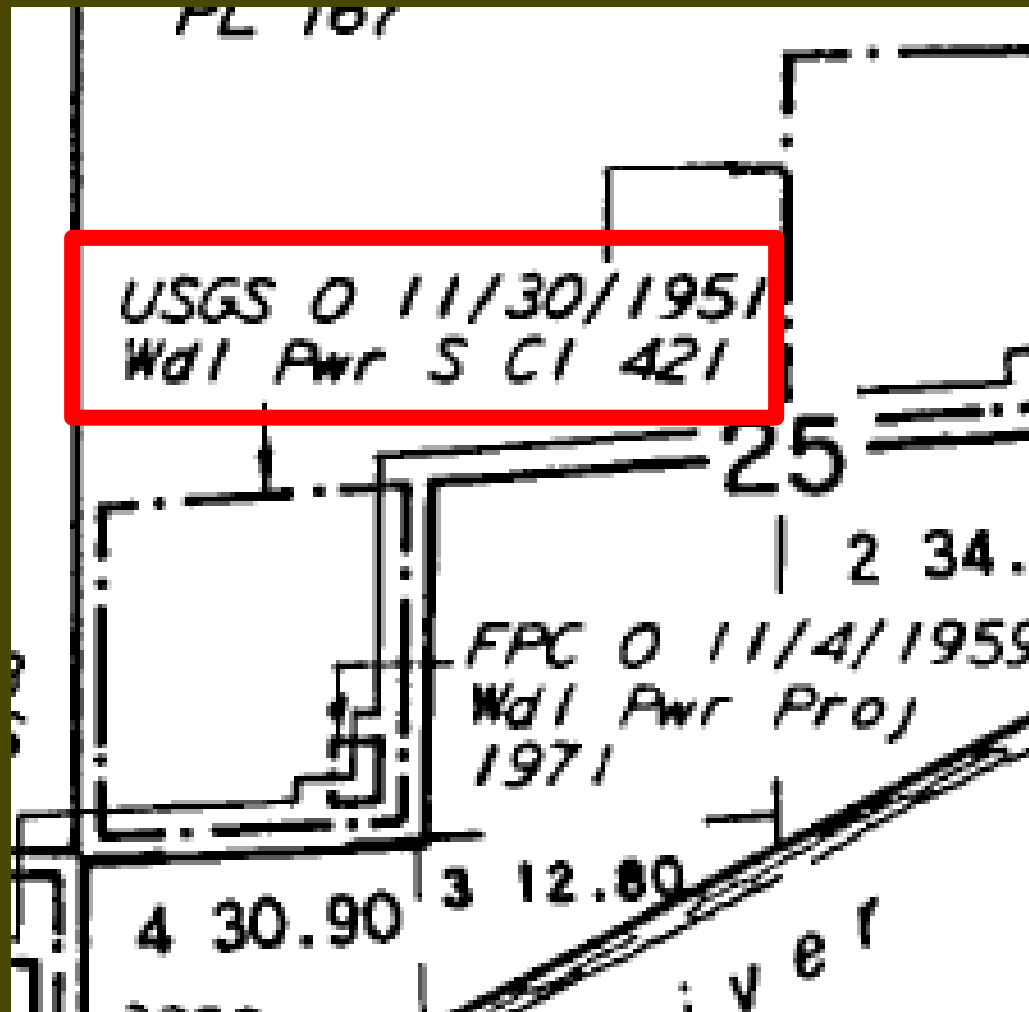
Note: "1971" Refers to Project # and not year.

FERC O 11/4/1959
Wd1 Pwr Proj 1971

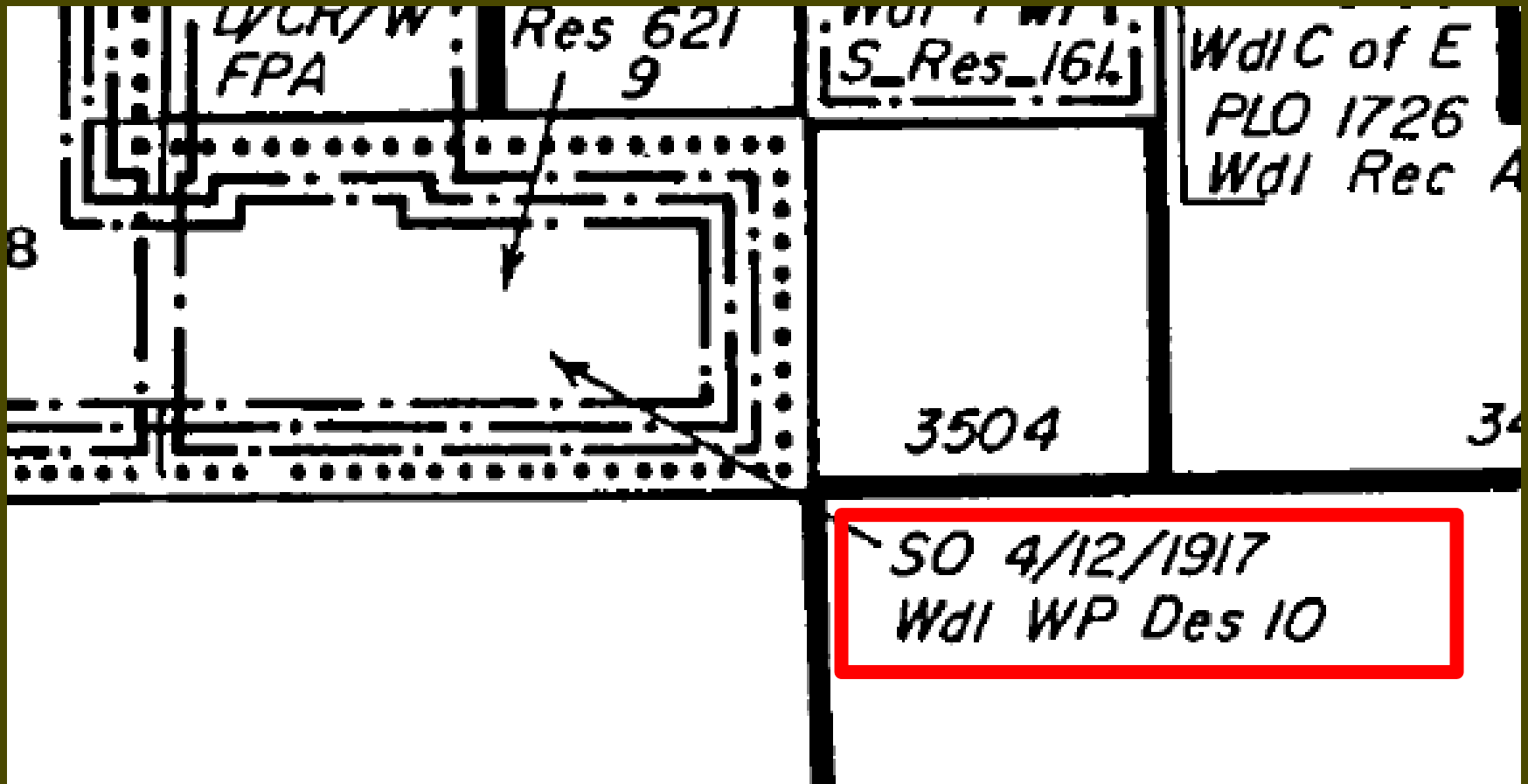
Powersite Reserve



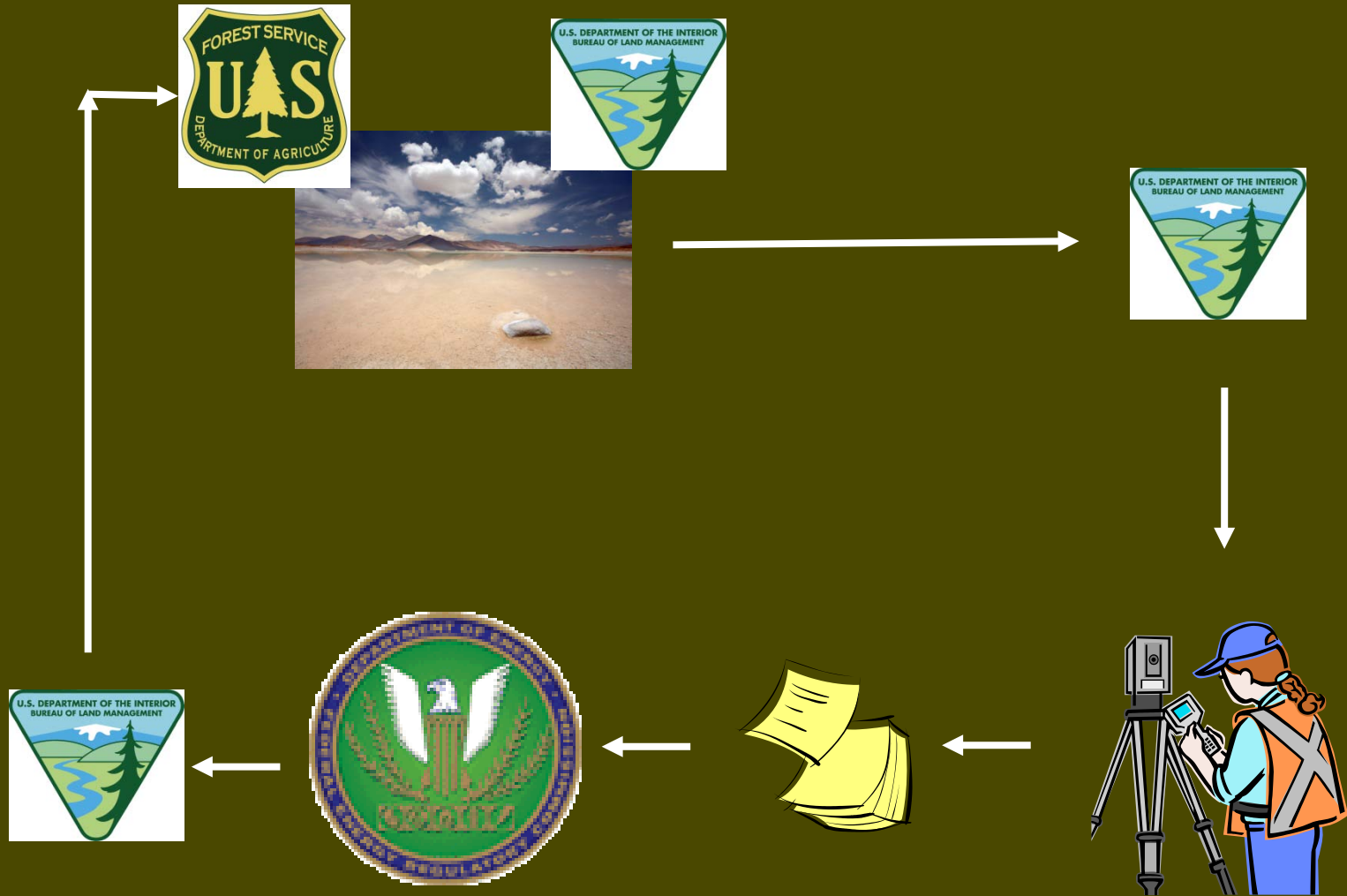
Powersite Classification

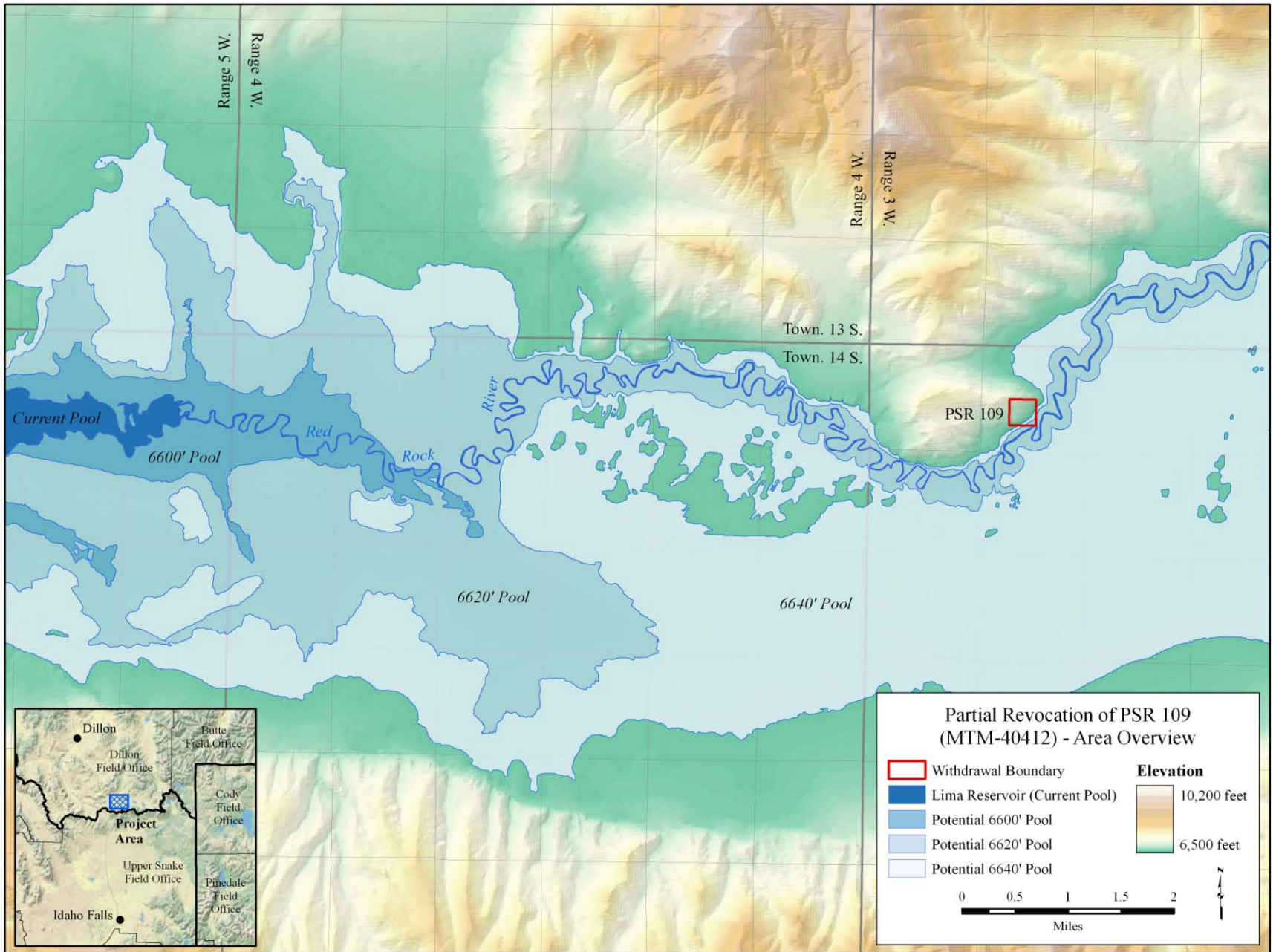


Waterpower Designation



Process For Evaluating

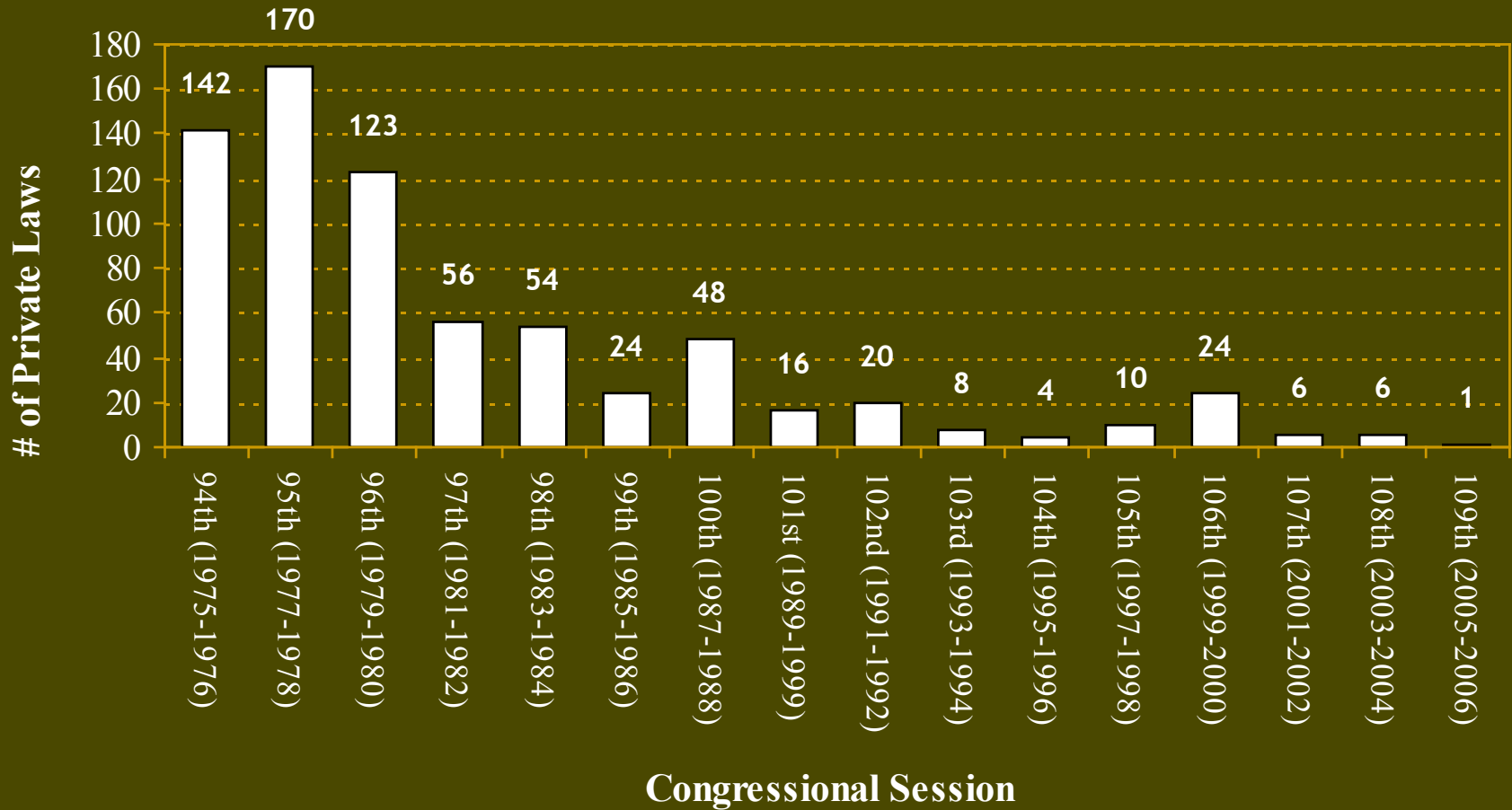




Section 24 Reservation

- ❑ Removing a Section 24 reservation from a patent is extremely difficult
 - ❑ Congress has directed that the right be “expressly reserved in every patent”
 - ❑ FPA does not provide a mechanism to remove Section 24 Reservation
 - ❑ It is extremely important that serious consideration be given to a Section 24 Reservation
-

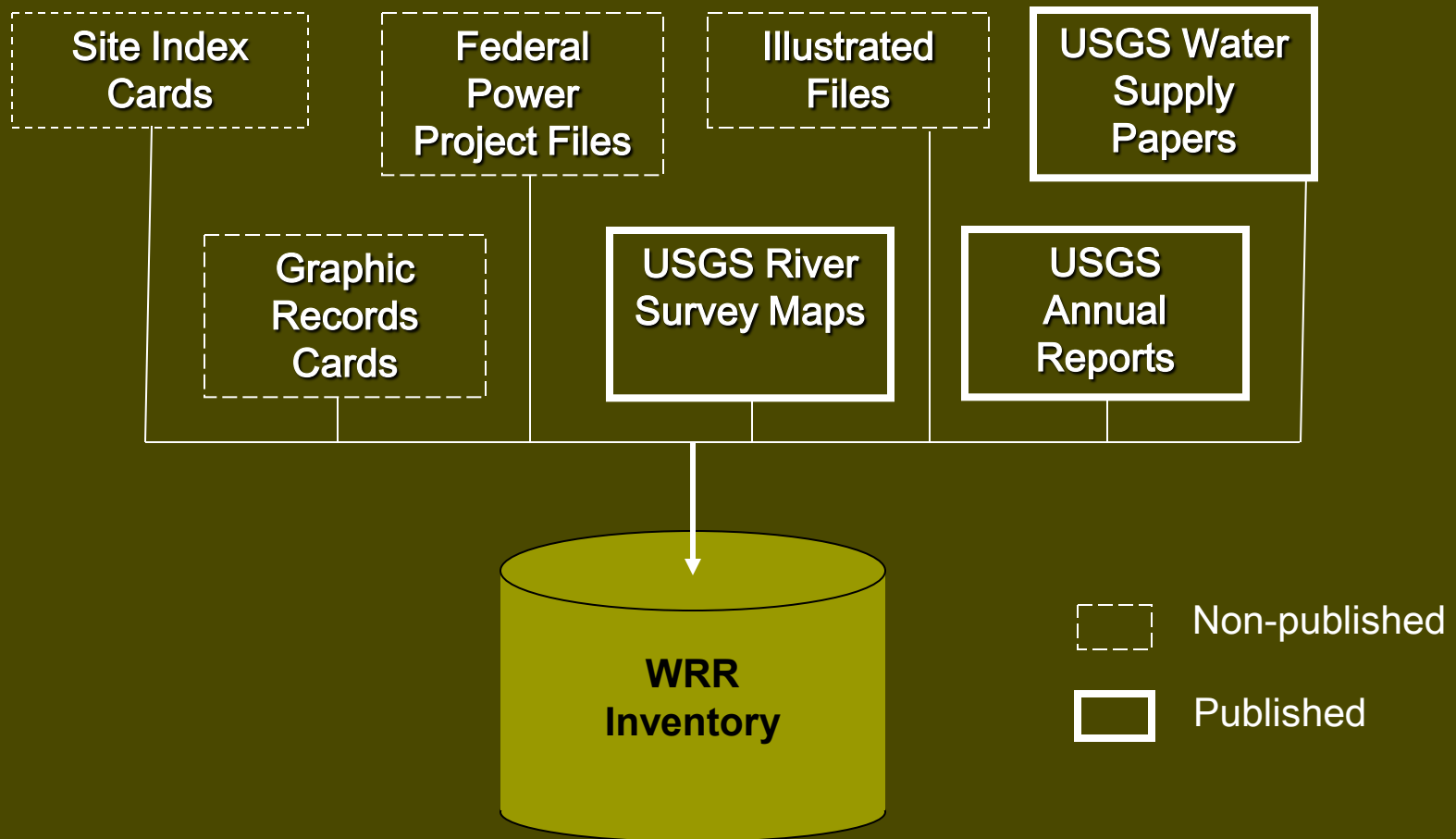
Number of Private Laws Passed between 1975 and 2006



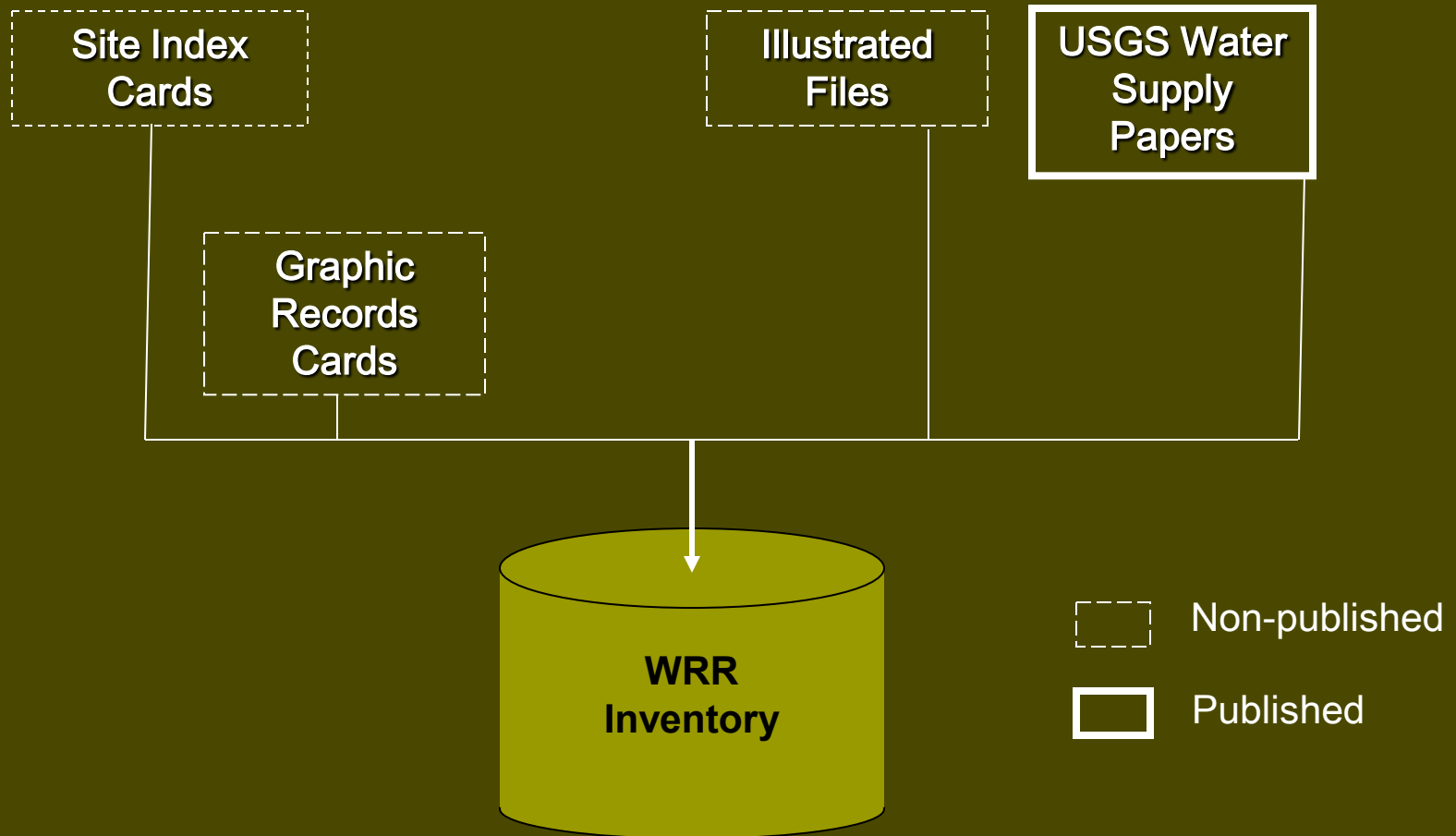
Federal Power Act Sec. 24



Inventory Components



Inventory Components



Non-Published: *Site Index Cards*



Non-Published: *Site Index Cards*

14 05 00 00

UNDEVELOPED HYDROELECTRIC SITE

Site No. 14010003

Site Homestake North Diversion

Stream Homestake Creek

Date 1954 REG 000054

County Eagle

at T.G.S., R. 80 W., sec. 30, NE 1/4

Resources of the Eagle R., Col. - Fred Lawrence - USGS, A. 42

Private Panda, Co., 7.5' (Div. New); Minturn, Co., 7.5' (power plant)

Use: P, I, FC, MI, R

Undeveloped capacity _____

Percent efficiency _____

Annual generation _____

Factor _____

Record _____

CE 6/79 SPK 0552
RTE 070079

14010003

14010002

13 02 00 00

13 04 00 00

Non-Published: *Graphic Records*



Non-Published: *Illustrated Files*



Published: *Water Supply Papers*

- ❑ USGS reports available through Federal Depository Libraries . . .
 - ❑ Deeds, J. F. and White, W. N. B. *Waterpower and irrigation in the Jefferson River basin, Montana*. Washington D. C.: United States Government Printing Office; 1927 (580) Water Supply Papers of the United States Geological Survey.
 - ❑ Henshaw, F. F. and Parker, G. L. *Waterpowers of the Cascade Range, Part II : Cowlitz, Nisqually, Puyallup, White, Green, and Cedar drainage basins*. Washington D. C. United States Government Printing Office; 1913 (313) Water Supply Papers of the United States Geological survey.
 - ❑ Hoyt, W. G. *Power resources of Snake River between Huntington, Oregon and Lewiston, Idaho*. Washington D. C.: United States Government Printing Office; 1925 (520) Water Supply Papers of the United States Geological Survey.
 - ❑ Johnson, F. A. A. *Waterpower resources of the Bradley River Basin, Kenai Peninsula, Alaska*. Washington D. C. United States Government Printing Office; 1961 (1610) Water Supply Papers of the United States Geological Survey.
-

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Arkansas River Valley, Colorado

July 2005