

RIVER RECREATION MANAGEMENT

OPPORTUNITIES IN HYDROELECTRIC

RELICENSING

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Between now and 1993, more than 200 existing hydroelectric projects will come up for relicensing before FERC, the Federal Energy Regulatory Commission. This provides a rare opportunity for agencies and individuals to markedly influence the ecological and recreational balance of these projects. This paper presents an overview of the relicensing process, describes some of the types of river recreation issues that can be addressed through the process, and explains how you can become involved.

Between now and 1993, more than 200 existing hydroelectric projects will come up for relicensing before FERC, the Federal Energy Regulatory Commission. In Michigan, the Huron-Manistee National Forests are participating in the relicensing process for 10 of these projects, which involve 11 dams and 4 river. These include the AuSable, a designated Scenic River and the Pine and Manistee, which are currently proposed for designation under the W & S Rivers act. Here in the northeast, the process is also on going for many rivers with significant recreational value. The Androscoggin River in New Hampshire and Maine with 12 dams, the Kennebec River in Maine with 8 dams and the Genesee River here in New York with 4 dams are a few examples. For most of these dams, indeed, for many of these rivers, this is a once in a lifetime opportunity for agencies and individuals alike to markedly influence the ecological and recreational balance of these projects.

My purpose here today is to tell you very briefly what the relicensing process is all about, to give you some ideas of the types of river recreation issues that can be addressed through the process and to let you know how you can become involved.

With the passage of the Federal Power Act in 1935, Congress asserted federal supremacy over hydroelectric facilities and established FERC to regulate their operation through the issuance of federal licenses. Over the next 10 to 15 years the FERC licensed most of the existing dams that had been built between 1910 and 1935 for 50 year terms. Consequently, we have this large number of license renewals coming due here in the early 90s. Recognizing this fact, Congress decided revisit and amend the Federal Power Act with the Electric Consumers Protection Act in 1986.

As opposed to the Federal Power Act and other hydro power legislation that had been enacted in the interim years between 1935 and 1986, ECPA was primarily oriented toward addressing the environmental impact of hydro power dams. It says that hydro projects should be licensed with equal consideration being given to energy conservation, fish and wildlife protection, the enhancement and preservation of recreational opportunity and other aspects of environmental quality, as well as to the traditional purpose of water power development. The

legislation's architect, Congressman John Dingell, said that these projects, built and licensed in another age, need to undergo the scrutiny of today's environmental awareness before new licenses are issued for their continued operation.

The rules that implement ECPA provide for a very significant role in the relicensing process for resource management agencies and citizens and also for Indian tribes when the project affect reservation lands. There has been a considerable amount of attention paid to the fisheries management aspects and attendant water flow issues associated with relicensing. Receiving less attention, at least in my experience in the north central states, has been some of the other issues that can be addressed under the legislation, including recreation. This is often due to the way state resource management agencies are organized and which division has been given primary relicensing responsibility, rather than the agencies ignoring some of these other resource areas. I don't know what the experience has been to date here in the northeast. However, with most license applications being due by the end of this year, the next 6 months is a very critical period. The new licenses will have 30 to 50 year terms, so, as I noted earlier, this is truly a once in a lifetime opportunity to address the recreation issues, as well as other issues, associated with these projects. Specifically what might some of these opportunities be?

The first source for determining recreation needs for each facility should be available from the utility itself. As a part of the relicensing process, dam owners have been conducting environmental studies to provide an information base for the decisions related to their new license. Included in these studies should be on related to recreation needs. This study should be available directly from the utility or from the state agency personnel involved in relicensing work. It should include a complete inventory of existing facilities and their condition along with an assessment of demand for additional facilities. Development and quality maintenance of camping, picnicing, and access facilities on the reservoirs created by the dams, is an obvious responsibility. In most cases utilities have developed and/or leased lands to local governmental units to develop and operate such facilities. Many of the facilities, however, are relatively old now or may not be of very high quality. They may need substantial maintenance work or in many cases, complete rehabilitation. These improvements should be sought in the relicensing process, as well as any new facilities or expansions that can be justified based on future needs. Apart from the reservoir accesses, access to riverline stretches, particularly below the dams is also an appropriate discussion item. Recreational trails should also be considered where the opportunity and demand for such facilities exist.

River flows that are favorable to recreational boating are another major category that is open to negotiation in this process. River flows are generally the single most contentious issue associated with the licensing process. It is central to the efficient economic operation of the power house, the quality of fish habitat, and downstream erosion and cultural site degradation, as well as to recreational boating. In order to strike an optimum balance on this issue the recreation interests must be well represented.

Within these broad categories the FERC can and has required many types of recreational developments in hydro project licenses. However, they do so largely based on the negotiations that take place between resource agencies, citizens and the utilities, rather than of their own accord.

So, how can you become involved? First, I would recommend that you contact your state resource management agency and find out who is responsible for hydro relicensing. They should be able to provide you with the names and contact information for the people at the utility and at FERC who are handling the process for the rivers and projects you are interested in. In addition, they should be able to provide you with a substantial amount of information on the status of the relicensing process at these facilities and specifically, who is providing state leadership for recreational issues.

The fact that most final applications are due at the FERC by the end of this year means that resource agencies will be receiving draft applications for review by June or July. This is the most effective time for you to become involved in the process. You can do that by providing comments directly to the agencies and the utility. The utility is required to include these citizen comments in the records they send to the FERC and to address the concerns raised in their license applications. Any concerns or needs that you can tie to comprehensive resource management plans, such as river basin plans or statewide recreation plans have a stronger standing with the FERC process as a result of provision of ECPA.

If you don't feel your concerns are adequately addressed in the license application you can also become a formal party with legal standing in the process by filing a motion to intervene once the utility has filed the application. If you are contemplating such action, an essential guide is *Rivers At Risk: The Concerned Citizen's Guide to Hydropower*, which is available from American Rivers in Washington, D.C.

In addition to state agencies and the utilities, the National Park Service has individuals in their regional offices who are responsible for relicensing recreation issues. Finally, there are a number of conservation groups who are heavily involved in the relicensing process, led by American Rivers, who can help you out.

If you have an interest in a northeast river that is affected by hydroelectric projects I would urge you not to let this opportunity pass by without involving yourself to see that these issues are addressed.

References Cited

Echeverria, John D., et al, 1989, *Rivers At Risk: The Concerned Citizens Guide to Hydropower*, Island Press, Wash, D.C., 210p.

Echeverria, John D., 1988 Future directions In *Hydroelectric Licensing And Relicensing*, Unpublished from the "Celebrate America's Rivers Conference", Alexandria, VA. Nov. 4p.

FERC Office of Hydropower Licensing, 1990 *Hydroelectric Project Relicensing Handbook*, Wash. D.C., 164p.

Shumway, Dean L., 1988 *Getting the FERC to Recognize Your State River Conservation Plan*, Unpublished from the "Celebrate America's Rivers Conference," Alexandria, VA, Nov. 1988, 4p.