

FOREWORD

The Federal Energy Regulatory Commission (FERC or Commission), pursuant to the Federal Power Act (FPA)¹ and the United States Department of Energy Organization Act² is authorized to issue licenses for up to 50 years for the construction and operation of non-federal hydroelectric development subject to its jurisdiction, on the necessary conditions:

That the project... shall be such as in the judgment of the Commission will be adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreational and other purposes referred to in section 4(e)³.

The Commission may require such other conditions not inconsistent with the FPA as may be found necessary to provide for the various public interests to be served by the project.⁴ Compliance with such conditions during the licensing period is required. The Commission's Rules of Practice and Procedure allow any person objecting to a licensee's compliance or noncompliance with such conditions to file a complaint noting the basis for such objection for the Commission's consideration.⁵

¹ 16 U.S.C. § 791(a)-825r, as amended by the Electric Consumers Protection Act of 1986, P.L. 99-495 (1986) and the Energy Policy Act of 1992, P.L. 102-486 (1992).

² P. L. 95-91, 91 Stat. 556 (1977).

³ 16 U.S.C. § 803(a).

⁴ 16 U.S.C. § 803(g).

⁵ 18 CFR § 385.206 (1987).

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