

115TH CONGRESS
1ST SESSION

S. 1029

To amend the Public Utility Regulatory Policies Act of 1978 to exempt certain small hydroelectric power projects that are applying for relicensing under the Federal Power Act from the licensing requirements of that Act.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2017

Mr. KING (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to exempt certain small hydroelectric power projects that are applying for relicensing under the Federal Power Act from the licensing requirements of that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXEMPTIONS FROM LICENSING REQUIRE-**
 2 **MENTS FOR CERTAIN SMALL HYDRO-**
 3 **ELECTRIC POWER PROJECTS.**

4 Section 405 of the Public Utility Regulatory Policies
 5 Act of 1978 (16 U.S.C. 2705) is amended by striking sub-
 6 section (d) and inserting the following:

7 “(d) EXEMPTIONS FROM LICENSING REQUIREMENTS
 8 IN CERTAIN CASES.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
 10 and (3), the Commission may in its discretion (by
 11 rule or order), on a case-by-case basis or on the
 12 basis of classes or categories of projects, grant an
 13 exemption in whole or in part from the requirements
 14 (including the licensing requirements) of part I of
 15 the Federal Power Act to any small hydroelectric
 16 power projects—

17 “(A) having a proposed installed capacity
 18 of 10,000 kilowatts or less; or

19 “(B) for which a license was issued under
 20 part I of the Federal Power Act (16 U.S.C. 792
 21 et seq.) and that files for an exemption under
 22 this subsection, if—

23 “(i) the original or new license was
 24 issued after June 19, 1991;

25 “(ii) the project is in an area that has
 26 not been determined to be critical to a spe-

1 cies listed as threatened or endangered
2 under section 4 of the Endangered Species
3 Act of 1973 (16 U.S.C. 1533) as of the
4 date of the filing for an exemption under
5 this subsection;

6 “(iii) the project has an installed ca-
7 pacity of 15 megawatts or less; and

8 “(iv) an exemption issued by the Com-
9 mission under this subsection does not
10 take effect until the expiration of the exist-
11 ing license.

12 “(2) REQUIREMENTS.—The exemptions granted
13 under subparagraphs (A) and (B) of paragraph (1)
14 shall be subject to the same limitations (to ensure
15 protection for fish and wildlife as well as other envi-
16 ronmental concerns) as those which are set forth in
17 subsections (c) and (d) of section 30 of the Federal
18 Power Act with respect to determinations made and
19 exemptions granted under subsection (b) of such sec-
20 tion 30; and subsections (c) and (d) of such section
21 30 shall apply with respect to actions taken and ex-
22 emptions granted under this subsection.

23 “(3) EFFECTS.—Except as specifically provided
24 in this subsection, the granting of an exemption to
25 a project under this subsection shall in no case have

- 1 the effect of waiving or limiting the application (to
- 2 such project) of the second sentence of subsection
- 3 (b) of this section.”.

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