UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects	))	Docket No. RM26-3-000

AMERICAN DAMS
COMMENTS ON NOTICE OF INQUIRY REGARDING POST-LICENSING ACTIVITIES AT HYDROELECTRIC PROJECTS

The Federal Energy Regulatory Commission (FERC) is seeking public comment on its process for reviewing and authorizing post-licensing activities at hydropower facilities such as maintenance, repairs, and upgrades to project infrastructure. Through this Notice of Inquiry (NOI), the Commission is asking whether certain activities can be implemented without case-specific authorization from the Commission under Part 1 of the Federal Power Act (FPA) and if the current regulatory framework can be streamlined while maintaining appropriate environmental and safety concern.

Specifically, FERC is requesting feedback on how to distinguish between minor, non-substantial activities and activities that warrant a formal license amendment, as well as whether clearer guidance, categorical approaches, or reporting mechanisms could reduce unnecessary filings and delays. FERC is also examining whether a tiered authorization framework similar to those used in pipeline licensing can improve regulatory efficiency without diminishing oversight.

American Dams

American Dams (https://americandams.org) is a non-profit dedicated to educating the public on the benefits of dams and providing information on regulatory and operational matters. Dam safety is a priority for American Dams, and it shares common goals with state and federal safety organizations that dams should be properly designed, constructed, operated, and maintained in a manner that protects public safety and the environment.

Background

Over time, regulators have adopted increasingly stringent dam safety and environmental standards, in response to various laws and regulations and to protect the public from dam failures. While these standards have played an important role in improving safety and environmental protection, American Dams recognizes that, in some cases, they have resulted in unintended consequences such as procedural delays and increased operational costs often with little to no public benefit.

American Dams is submitting comments advocating for a streamlined approach that helps licensees navigate regulatory requirements while preserving strong safety protections and environmental values.

American Dams has taken a practical and common-sense approach to the questions raised by the Commission. American Dams defers to the National Hydropower Association's (NHA) comments on legal issues and the history and intent of the FPA. American Dams generally supports NHA's responses and has added additional perspectives herein that we hope will assist the Commission in streamlining the amendment process, developing blanket authorizations, identifying minor amendments, clarifying non-substantial changes, and avoiding unnecessary delays. American Dams greatly appreciates the Commission's leadership on this issue and sincerely hopes the resulting actions will reduce the burden on both Commission staff and licensees, resulting in significant savings to licensees, the Commission, and, most importantly, the public.

Evolution of License Amendment Process

To provide context to American Dams' comments, the undersigned was the primary author of the Commission's first License Amendment Guidance Manual in 1992. As the author of the amendment manual, Mr. Wayne Dyok[1] worked closely with both Mr. Mark Robinson, Director of the Office of Energy Projects, and Mr. Joseph Morgan, Director of the Office of Hydropower Administration and Compliance. Mr. Robinson provided the underlying framework of the manual, and all three individuals collaborated closely on the development of the guidance. Mr. Dyok was directed to base the guidance on the existing regulations at 18 CFR Subpart L-Application for Amendment of License § 4.200, 4.201 and 4.202 and Standard L-form license articles. As part of this effort, Mr. Dyok reviewed hundreds of license amendments. Rather than relying on legislative history, the guidance was grounded in the regulations themselves and the policy objectives established by Mr. Robinson and Mr. Morgan.

This guidance manual was the primary guidance used by Commission staff and licensees until it was superseded by the Compliance Handbook in 2015. Although both versions are similar, the 2015 guidance is more stringent.

The 1992 guidance manual was developed partially in response to the 1986 passage of the Electrical Consumers Protection Act, including Section 10(j) which specifically requires FERC to include conditions in hydropower licenses that protect, mitigate damages to, and enhance fish and wildlife resources based on recommendations from state and federal fish and wildlife agencies. Section 18 CFR § 4.200(c) states "Any application to amend a license for a water power project that would not be a capacity related amendment as described in paragraph (b) of this section must contain those exhibits that require revision in light of the nature of the proposed amendments." The Commission's focus at the time was on Exhibits A (project description), F (design drawings) and G (project boundary), as well as any environmental exhibits that needed revision. The goal of license amendments was only to revise those parts of the license and approved plans that required revision. If a particular resource was unaffected, there was no need to discuss that resource. However, today, that is being interpreted differently. Licensees filing amendment applications are encouraged to cover all resource areas.[2]

[1] At the time Mr. Dyok was Deputy Project Manager on the Commission's Technical Support Services Contract.

[2] As a recent example, a licensee consulted with Commission staff prior to starting the amendment process, then consulted with the relevant agencies and public, and submitted an amendment application that covered only the proposed changes. After 8 months, the Commission directed the licensee to conduct additional consultation, and refile the entire amendment application. In the revised amendment

A second significant difference between today's interpretation of the regulations and the original guidance relates to Section § 4.202 (a) which states "If it is determined that approval of the application for amendment of license would constitute a significant alteration of the license pursuant to section 6 of the Act, U.S.C. 799, public notice of such application shall be given at least 30 days prior to the action upon the application."

Over time, the term "significant alteration" appears to have lost its original meaning. For approximately 20 years after the original guidance was issued, this standard was applied more narrowly. Today, the Commission notices most proposed changes to a project in contrast to what was done historically. For example, the Commission noticed a project amendment application that included in-kind replacement of trash racks, replacement of turbine stop logs with a new steel gate in the same slot because the stop logs were in danger of failing, a new more efficient trash rack cleaning system, and installation of a new crane to install the trash racks and steel gates. As expected, there were no comments on the public notice, which only delayed the approval process. A second delay issue related to the approval of the State Historic Preservation Officer,[3] who had previously stated they had no comment in a consultation meeting as documented by the licensee in meeting minutes that were distributed to the participants for review and editing. However, that was insufficient for Commission staff and a letter from the SHPO was ultimately received stating they had no comments. The net result was the process took almost a year to obtain the Commission approvals, causing a full year delay because the licensee missed the low flow construction period. To the Commission's credit, the Commission did not require an Environmental Assessment and DHAC approved the amendment within a month after receiving the SHPO letter.

Another important difference between the Commission's operations from the 1990s to today relates to what triggers the preparation of an Environmental Assessment. The Commission's interpretation of "significant alteration" or "non-substantial change" is critical. The 1992 license amendment guide did not attempt to define these terms. Today the Commission is much more conservative and typically prepares environmental assessments, regardless of the circumstances surrounding the amendment. American Dams recommends that if there are no significant effects, no controversies, and if the resource agencies and public agree on an action, that the action should not require preparation of an environmental assessment.

Maintenance Activities Are Not License Amendments

American Dams assures the Commission when the initial guidance document was prepared, there was NO intention to have maintenance or in-kind replacements considered as amendments. These activities in no way require changes to the license.

License Amendments and Blanket Authorizations

application, the licensee addressed every resource area. No additional substantive comments were received during the preparation of the revised amendment.

[3] The project in question is potentially eligible for the National Register and as such the Historic Properties Management Plan and Programmatic Agreement require the licensee to consult with the SHPO on making exterior changes to the structure, which was done as part of the pre-filing consultation.

The Commission considers amendments to be changes to the license and associated license documents. American Dams concurs that a change to the license constitutes an amendment and that if Exhibits A, F, and G – or license articles or plans required pursuant to license articles – are modified, a license amendment is warranted. However, blanket authorizations that do not affect project safety or do not adversely affect the environment should be permitted. The licensee can provide these amendments in the form of as-built drawings or annual summary of changes, thereby simplifying and reducing processing times for the amendments. Since amendments also include time extensions, particularly for commencement or completion of construction, these types of amendments should be straightforward for the Commission to administer.

Substantial Changes

American Dams believes that common sense should prevail in determining what constitutes a substantial change and what is a significant alteration. The key questions should be (1) whether the proposed amendment has the potential to affect public safety, and (2) whether it has the potential to significantly affect the environment. This should be a straightforward assessment after the licensee has consulted with the resource agencies and the public if consultation is warranted (e.g., on changes to a historic structure, 401 issues related to water quality).

While marginal projects may fall close to one side or the other, and it is important to err on the side of caution when public safety is at issue, if analysis and common sense demonstrate the environmental issues are not significant, there is no need for a federal action that would trigger NEPA review. This should be self-evident where there is consensus among agencies, Indian tribes, and the public.

This approach could eliminate the need for numerous environmental documents that consume significant Commission staff time. The Commission should review examples provided by commenters and past amendments to determine which environmental assessments were actually warranted. Based on that review, a definition of substantial, along with examples of non-substantial changes could then be developed.

Amendment Processing Times Must Be Shortened Dramatically

American Dams is extremely concerned about license amendment processing delays at a time when the President has issued Executive Order 14156, Declaring a National Energy Emergency. By over-regulating licensees, the Commission has overwhelmed staff to the point that license amendment delays are now measured in years.[4] (The additional burdens have also greatly affected licensee resources.) The NHA has proposed several changes in its comments that will reduce over-regulation and streamline the process, which American Dams supports. The regulatory changes proposed by NHA will take time but

[4] In conferences and other public forums, Commission staff have cited an example of a restroom modification to justify detailed processing of even simple amendments. Staff have suggested that a licensee informs the Commission that they are changing a toilet, but in fact by the time the toilet is changed, the licensee has remodeled the restroom. That then justifies staff overseeing the toilet replacement. American Dams suggests that the example cited is essentially the issue that has bogged down staff in processing amendments and burdening licensees and Commission staff – over-regulation. In the case of public safety or environment, who cares if the restroom has been remodeled?

will be beneficial. However, the Commission can take immediate steps to process amendments, as was done prior to 2015 to help reduce the Commission's backlog. In parallel, the Commission can revise regulations and the Compliance Handbook, as well as other documents identified in NHA's comments.

Responses to the Commission's Questions

American Dams provides specific responses to the Commission's questions below. These responses generally mirror those of NHA and no not provide the breadth of examples that NHA members have provided. As noted above, American Dam responses are practical and common sense.

A. Minor Post-Licensing Activities

A1. What opportunities, if any, are there to streamline or improve the process for licensees for using their authority under FPA section 10(a) and standard license Articles 2 and 3 to undertake minor modifications at a hydropower facility that do not require an amendment?

> Response: Greater clarity on what constitutes a "non-substantial" modification or a "significant alteration" would reduce uncertainty and administrative burden for the licensees and the Commission. Clear, written guidance would allow licensees to proceed with routine, low-impact activities without unnecessary filings or informal consultations, while preserving the Commission's ability to intervene where activities raise legitimate safety and environmental concerns.

A2. Should the Commission create a process for identifying minor post-licensing activities that can be undertaken pursuant to FPA section 10 and Articles 2 and 3?

> Response: Rather than creating a new or separate approval process, the Commission should create a clear set of guidelines to help licensees determine whether an activity qualifies as substantial under FPA section 10 and standard license Articles 2 and 3. In the absence of such guidance, licensees may unnecessarily pursue license amendments or informal approvals, resulting in avoidable delays and inefficiencies. Clear standards would promote consistency and reduce reliance on case-by-case interpretation. American Dams welcomes the opportunity to work directly with FERC, resource agencies and the environmental community to establish a clear set of guidelines.

A3. Are there categories of minor post-licensing activities that should not require prior Commission approval? If so, what specific types of minor activities should qualify under each category? (printed page 53313)

> Response: Yes. Certain categories of minor post-licensing activities should not require prior Commission approval, provided they do not result in material changes to project operations, capacity, or safety conditions.
>
> Examples of these activities include:
>
> - Routine maintenance and repair activities intended to preserve existing project infrastructure in its approved condition

- In-kind replacement of equipment such as replacing gates, turbines, generators, and powerhouse components
- Powerhouse equipment modernization not altering license exhibits
- Minor safety improvements that do not alter project configuration or operations
- Minor environmental or operational enhancements within previously approved footprints'

For example, at the Cushaw Dam, non-capacity replacements/improvements were necessary to continue efficient operations, including: (1) replacement of intake trash racks; (2) replacement of the trash rack cleaning system; (3) replacement of turbine stop log gates; (4) addition of a crane structure on the intake platform upstream of the powerhouse; and (5) addition of a catwalk on the downstream side of the powerhouse.[5]

These activities were proposed to improve the maintenance efficiency, operational reliability, and safety of the facility and did not alter project capacity, operational regime, or environmental baseline conditions. Examples such as these should be considered non-substantial post-licensing activities and should not require prior Commission approval.

A4. What documentation should the Commission require to verify and ensure that these activities do not result in potentially adverse environmental or safety impacts?

Response: To verify that minor-post licensing activities do not result in adverse environmental or safety impacts, the Commission could require notification of minor activities that fall outside the realm of in-kind replacements or maintenance. For example, modernization of equipment within the powerhouse such as electronic upgrades and upgrades to high pressure units (HPUs).

A5. What activities that do not require amendments should still require consultation or dam safety review? For those activities, what standard information should licensees file to expedite review of the proposed activity?

Response: American Dams believes dam safety and protection of the environment is paramount when planning and implementing significant repairs and upgrades. Activities that present a potential risk to dam safety, structural integrity, surrounding environment, or that implicate the protection of life, health, or property, should require consultation with the Regional Engineer, and/or other agencies, as required by the license.

Examples of such activities include repairs to spillways, gates, embankments, outlet works, or penstocks; slope stabilization or erosion repairs; and other maintenance activities conducted within the existing project footprint and approved operating parameters where temporary construction methods or access could affect environmental conditions.

[5] The amendment could have included only the new crane structure because it necessitated a change to Exhibit F. For safety reasons, consultation with the regional engineer is appropriate. Because the structure is potentially eligible for the National Register, consultation with the SHPO is required by the license, but a license amendment is unnecessary once the SHPO concurs.

For these activities, the Commission should require only standardized information to facilitate timely review, such as a brief description of the proposed work, engineering rationale, construction schedule, relevant safety considerations, and a summary of measures to avoid or minimize potential environmental impacts. This approach would support effective oversight while avoiding unnecessary procedural complexity or delay for activities intended to maintain safe, reliable, and environmentally responsible project operations.

A6. What applicable federal laws, permits, and regulations could be relied upon to verify minimal or no significant environmental and safety impacts throughout construction and operation of minor post-licensing activities?

Response: Minor post-licensing activities remain subject to applicable federal, state, and local requirements outside of the FPA framework, including requirements under the Clean Water Act, Endangered Species Act, National Historic Preservation Act, and other applicable permitting programs where independently triggered. These existing regulatory frameworks provide appropriate safeguards without necessitating additional Commission approval for activities that fall within a licensee's statutory authority.

Consistent with our response to A5, where post-licensing activities present a potential risk to dam safety or environmental resources, the licensee should, consistent with existing practice, seek appropriate consultation with the Commission's Regional Engineer and/or other relevant agencies, as required by the license or applicable law.

A7. Should the Commission allow stakeholder input for activities not requiring an amendment? And if so, how should the comments be addressed?

Response: Activities requiring stakeholder consultation should generally already be covered under the license (e.g., consultation with the SHPO as part of a Programmatic Agreement, consultation with the 401-certifying agency, as required by the state's water quality permit). For certain temporary variances that could affect stakeholders, it may be reasonable to solicit stakeholder input. However, for activities not requiring an amendment, additional stakeholder input is likely unwarranted and could result in unnecessary delays.

Common sense should dictate if stakeholder interests could be affected. When consultation is warranted, stakeholder comments should be limited to the specific activity under consideration. For example, if maintenance on an earthen dam requires a temporary drawdown and the reservoir is used by boaters, it makes sense to solicit their input on timing. However, such activities are likely already included in the license. By contrast, for activities conducted entirely within a powerhouse, American Dams is hard-pressed to consider a situation that would warrant stakeholder input.

A8. Should specified maintenance activities be analyzed and approved during the licensing process as part of a life cycle approach to accepting, implementing, and maintaining a license for 30 to 50 years?

Response: Specified maintenance activities should not be analyzed and approved during the licensing process as part of a life cycle approach. It is impractical to predict specific maintenance needs over a 30- to 50-year license term, and attempting to do so would add unnecessary complexity to licensing. Allowing licensees the flexibility to address maintenance needs as they arise better supports safe and efficient project operations.

B. Post-Licensing Activities Requiring Amendments

PROCESS-RELATED QUESTIONS

B1. If the Commission promulgates rules to allow for post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure, without a case-specific authorization under Part I of the FPA, should the Commission require each licensee to apply for a blanket FPA authorization as it does for natural gas pipelines pursuant to Part 157, Subpart F (see 18 CFR 157.204(a) (https://www.ecfr.gov/current/title-18/section-157.204#p-157.204(a))) or should all current and new licensees be automatically granted a blanket authorization?

Response: American Dams supports automatic blanket authorization for all current and future licensees and exemptees, rather than requiring individual applications for blanket authority.

Requiring licensees to apply for blanket authorization would introduce additional upfront administrative burden and cost without providing corresponding safety or environmental benefits. Automatic authorization would better achieve the Commission's goal of reducing unnecessary post-licensing filings while still preserving the Commission's ability to oversee activities that warrant review. Automatic applicability would also ensure consistency across projects and avoid delays associated with processing individual blanket authorization requests.

B2. Under the Commission's existing Part 157, Subpart F blanket certificate regulations for activities under NGA section 7, there is a two-tiered process whereby some activities are automatically authorized while others require prior notice (see 18 CFR 157.203(a)-(c) (https://www.ecfr.gov/current/title-18/section-157.203#p-157.203(a))). Should the Commission adopt a similar tiered approach for post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure? If so, should there be additional or different tiers, and what specific types of activities should correspond to each tier?

Response: American Dams supports a tiered authorization framework, provided the tiers are clearly defined and tied to safety and operational risk rather than minor technical distinctions. A tiered approach could include:

Tier 1 - Automatic Authorization:

Routine, non-substantial, non-capacity activities that preserve existing infrastructure and operations, such as routine maintenance, in-kind equipment replacement, and minor safety improvements that do not alter project configuration or environmental conditions.

Tier 2 - Prior Notice:

Activities that remain non-capacity and non-substantial but may have temporary safety, operational, or environmental considerations, such as work requiring dewatering, drawdowns, or construction sequencing constraints.

This approach would allow the Commission to focus resources on higher-risk activities while allowing routine work to proceed efficiently.

B3. If the Commission allows for post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure, automatically under a blanket FPA Part I authorization, should the Commission:

a. require licensees to notify Commission staff of certain types of such activities prior to implementing them? And, if so, what amount of time would be sufficient? And/or

Response: American Dams does not support a general requirement for prior notification for all post-licensing activities undertaken pursuant to a blanket authorization. Routine, non-substantial, non-capacity maintenance and repair activities should be able to proceed without advance notice. Requiring notification for such activities would undermine the efficiency of a blanket authorization and could delay time-sensitive work.

However, limited prior notification may be appropriate for a narrow subset of non-substantial activities that, while still eligible for blanket authorization, involve temporary safety, operational, or environmental considerations as previously noted in B2. For these activities, a short prior notice period (30-60 days) would provide the Commission with situational awareness without triggering a case-specific approval process.

Any notification requirements should be clearly defined and tied to safety or operational risk, rather than applied broadly to all blanket-authorized activities.

b. require licensees to file a semi-annual or annual report documenting the post-licensing maintenance, repairs, and/or upgrades to hydropower project infrastructure undertaken during the previous calendar year pursuant to the blanket authorization program? If so, what information should be included in such reports? Should reporting of blanket authorization activities be incorporated into any reporting already required by the Commission in a licensee's license articles?

Response: American Dams supports annual reporting of post-licensing activities undertaken pursuant to a blanket authorization as a reasonable tradeoff for reduced amendment requirements. Annual reports could include:

- A brief description of each activity
- Identification of whether the activity was non-substantial and non-capacity, and does not affect the environment
- Confirmation that the activity met blanket authorization criteria
- A statement that the activity did not result in adverse safety or environmental impacts

To avoid redundancy, such reporting should be incorporated into existing compliance or license reporting requirements wherever possible.

B4. If the Commission requires prior notice for some post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure, under a blanket FPA Part I authorization, should the Commission adopt the same notice requirements as those detailed in the Commission's blanket certificate regulations, including a 60-day notice period (see 18 CFR 157.205 (https://www.ecfr.gov/current/title-18/section-157.205))?

Response: Prior notice should only be required for a limited subset of post-licensing activities undertaken pursuant to a blanket authorization, consistent with the approach described in response to B3. Routine maintenance, in-kind replacement, and other non-substantial, non-capacity activities should not be subject to prior notice. Any notice requirements adopted for hydropower facilities should be tailored to the specific activity, limited in duration, and designed to provide Commission awareness without delaying implementation of necessary maintenance or safety-related work.**B5. Should the Commission adopt the same process concerning protests to prior notice post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure, as is currently in place for prior notice blanket certificate pipeline projects (see 18 CFR 157.205 https://www.ecfr.gov/current/title-18/section-157.205)) or should another process be required? If another process should be required, what types of protests should be dismissed?**

Response: No. Activities eligible for blanket authorization would generally be within existing license authority and would not warrant broad third-party protest.

Where prior notice is required for defined categories of post-licensing activities, protest opportunities (if any) should be limited in scope. The Commission should dismiss protests that:

- do not raise specific, substantiated concerns related to dam safety, surrounding environment, or compliance with license conditions
- seek to revisit issues previously addressed during licensing or relicensing
- are unrelated to the scope or effects of the proposed post-licensing activity

This approach would preserve appropriate oversight while avoiding unnecessary delays to routine or safety-driven work.

B6. What, if any, affected landowner notification requirements should the Commission adopt for post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure, undertaken pursuant to a blanket authorization program?

Response: Routine, non-substantial, non-capacity post-licensing activities conducted under a blanket authorization should not require landowner notification, as these activities typically occur within existing project footprints and do not affect third-party property interests. Landowner notification should be reserved for activities that materially affect land use or access beyond what is already authorized under the license.

B7. Should the Commission require post-licensing maintenance, repairs, and/or upgrades to hydropower project infrastructure under a blanket Part I FPA authorization be constructed and placed into service within a specified timeframe? If so, what timeframe?

Response: No. Maintenance and repair schedules are influenced by site-specific conditions, seasonal constraints, contractor availability, and safety considerations. Imposing rigid deadlines could unintentionally delay critical maintenance or encourage inefficient scheduling.

B8. Are there processes that other federal or state agencies use to streamline review that the Commission could adapt?

Response: The Commission could consider adapting elements of existing streamlined review processes used by other agencies, including:

- NEPA categorical exclusions and recent CEQ NEPA reforms, which emphasize focused review, clear timelines, and avoidance of unnecessary analysis where impacts are minimal or already well understood
- FAST-41 which is implemented by the Federal Permitting Improvement Steering Council to streamline Federal permitting (typically for major infrastructure but can be scaled)
- Conduit exemption under the FPA which recognizes that baseline environmental impacts are already established and that the incremental impacts of hydropower are limited
- The U.S. Army Corps of Engineers' Nationwide Permit framework for recurring, low-impact activities.

B9. What are the historic and estimated range of costs for preparation of an application for post-licensing amendments for maintenance, repairs, and upgrades at existing hydropower facilities?

Costs associated with preparing post-licensing amendment applications for maintenance, repairs, and upgrades at existing hydropower facilities vary depending on the scope and complexity. Based on information from American Dams members and project experience, these costs commonly include retention of engineering, environmental, and legal experts; preparation of supporting documentation and studies; pre-filing consultation; and responding to agency and stakeholder comments, including review of NEPA documents and compliance with other environmental statutes. For even relatively limited, non-capacity amendments, the direct cost to prepare and process an amendment application can range from tens of thousands to several hundred thousand dollars.

In many cases, however, the largest financial impacts are not the application preparation costs themselves, but the costs associated with project delays while awaiting Commission approval. Delays can result in increased construction costs, contractor remobilization, escalation in equipment prices, carrying costs associated with financing, and lost opportunity costs. Members have reported that delays of a year or more in amendment approval for routine maintenance or in-kind replacement activities have led to increased project costs, which ultimately fall on electric customers and/or project owners.

As a simple example, the capacity value in the PJM system for 2026 is $120,000 per MW per year. In this case, the licensee applied for a license amendment over two years ago to implement relatively minor operational changes that required minimal capital expenditures and with neutral environmental impact. With procedural delays, it be at least two to three years before the licensee receives the license amendment.

During this delay, the licensee is unable to generate at its rated capacity when PJM determines capacity values for the following year. The proposed non-capacity changes would increase electric production by approximately two MWs during the 5 peak electrical demand days. For this one small project, that amounts to an annual capacity revenue loss of over $240,000 per year, which is significant for a facility of this size.

In addition, the operational improvements would increase annual energy production by 2,000 to 2,500 MWh for an additional $100,000 in revenue. Altogether, the total annual revenue loss caused by project delays exceed $350,000. This is just one example of hundreds of projects facing similar delays and loss in revenue.

POST-LICENSING ACTIVITIES THAT COULD FIT A BLANKET PROGRAM

B10. If the Commission adopts a tiered approach similar to that in the natural gas blanket certificate regulations (18 CFR 157.203(b)-(c) (https://www.ecfr.gov/current/title-18/section-157.203#p-157.203(b))), what categories of post-licensing activities should be eligible for automatic authorization? What categories of post-licensing activities should be eligible for prior notice authorization? How should the Commission divide these categories, e.g., based on anticipated environmental effects or based on safety or security concerns?

Response: Activities eligible for automatic authorization should include:

- Routine maintenance
- In-kind replacement of gates, turbines, generators, and powerhouse components
- Minor safety improvements that do not involve structural reconfiguration or impact the environment

Activities potentially eligible for prior-notice authorization could include:

- Non-substantial activities involving temporary operational changes
- Activities requiring coordination due to safety or construction sequencing considerations
- Activities modernizing equipment with no safety or environmental risk (e.g., manual to automated operations)

Categories should be distinguished primarily by safety and operational risk, rather than exclusively anticipated environmental impact.

B11. What categories of post-licensing activities would result in no adverse impacts to the environment or safety at authorized and existing licensed hydropower facilities? Specifically, what types of facility modifications, systems, or components would have no adverse environmental or safety impacts, or would provide beneficial impacts, to the following resources:

- Water Quality;

- Water Resources;
- Wetlands;
- Fisheries and Wildlife, including Endangered Species;
- Vegetation;
- Cultural Resources;
- Socioeconomics;
- Geology and Soils;
- Land Use;
- Recreation;
- Visual Resources; and
- Safety.

Response: Most routine maintenance and in-kind replacement activities have no adverse impacts and may provide benefits across resource areas such as water quality, safety, recreation, and visual resources by maintaining infrastructure in safe, reliable condition. Examples include replacement of trash rack cleaning systems, intake screens, powerhouse gates, equipment located with the powerhouse, turbines (if replaced by more efficient units that have similar operating characteristics and do not alter the name-plate capacity), concrete repairs undertaken consistent with approved license articles, signage, boat ramp repair, and transmission line repairs and maintenance.

B12. What categories of post-licensing activities would provide equivalent or greater level of environmental protection and safety compared to the status quo? Specifically, what types of hydropower infrastructure modifications, systems, or components would result in different impacts but nevertheless provide an equivalent or greater level of protection to the resources listed in question B11?

Response: Examples of post-licensing activities that may involve physical changes but provide equivalent or greater levels of environmental protection and safety include replacement of aging gates or valves with modern equipment, upgrades to dam safety instrumentation and monitoring systems, modernization of turbines to improve efficiency and downstream water quality, and improvements to fish passage or screening facilities. These activities can enhance public safety, environmental performance, and operations.

B13. What categories of post-licensing activities would result in less than significant impacts to the environment and safety at licensed hydropower facilities such that the Commission could categorically determine that such activities are in the public interest under the section 10(a)(1) comprehensive development standard of the FPA? Specifically, what types of facility modifications, systems, or components would result in less than significant impacts to the resources listed in question B11?

Response: Non-substantial, non-capacity activities that remain within existing project footprints and operating parameters generally result in less than significant environmental and safety impacts and can be presumed to be consistent with the public interest under FPA section 10(a)(1).

Examples include:

Routine Operations and Maintenance

- In-kind replacement or refurbishment of turbines, generators, gates, valves, or powerhouse components
- Maintenance activities such as painting, corrosion protection, or mechanical repairs

Electrical and Control Systems

- Replacement or upgrading of electrical equipment, wiring, or control systems within existing facilities
- Installation of updated monitoring or safety systems without changes to project operations

Land Use and Access

- Repair or replacement of existing access roads, fencing, security features, signage or maintenance structures
- Minor improvements to parking areas, walkways, or service buildings within previously disturbed areas

Recreation and Public Safety

- Repair or replacement of existing docks, boat ramps, signage, or safety barriers