



# License Amendment Considerations

*NWHA Fall Regional Workshop*

September 25, 2025

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# Discussion Overview

- Triggers for Amendments
- Types of Amendments
  - Capacity
  - Non-Capacity
- Consultation
- Navigating the Amendment Process
- Licensee Amendment Experiences – Discussion



# Does My Project Need An Amendment?

**“Unless already identified in an existing requirement or plan approved by the Commission, most changes to the features or operation of a project requires an amendment to the license or exemption.”**

# Does My Project Need An Amendment?

- Probably...unless
  - Project already described and included in license authorization or other approved plan.
  - Not a substantial change per standard articles.
- FERC will “concentrate the proposed modification to determine its dam safety, environmental, operational, and other effects.”

## Division of Hydropower Administration & Compliance



## COMPLIANCE HANDBOOK



# Where to Look

## Existing Requirements and Approved Plans

- License Order
  - Standard Articles
- Level of detail in the approved Exhibits
- Did a current environmental assessment identify the activity and/or facility and potential effects
  - EA/EIS on existing license
  - EA/EIS on previous amendments



# Types of Amendments

- Capacity
- Non-Capacity

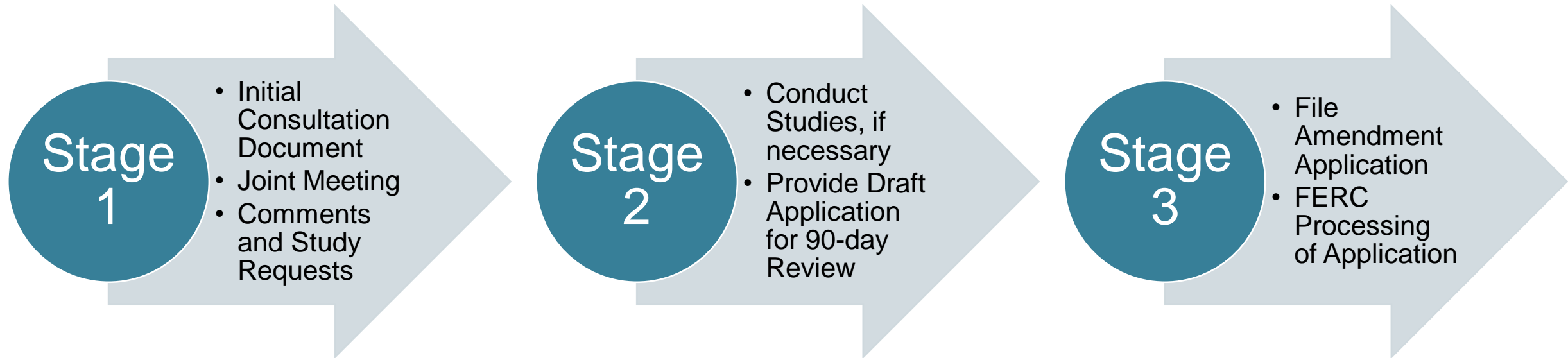
# Capacity Amendment

## Definition

FERC defines a capacity amendment as a change in a hydropower facility that involves additional capacity not previously authorized and that would:

- Increase the actual or proposed ***total installed capacity*** of the project, and
- Result in an increase in the ***maximum hydraulic capacity*** of the project of 15% or more, and
- Result in an increase in the ***installed nameplate capacity*** of 2 MW or more (18 C.F.R. § 4.201(b)).

# Three Stage Consultation







# Non-Capacity Amendments

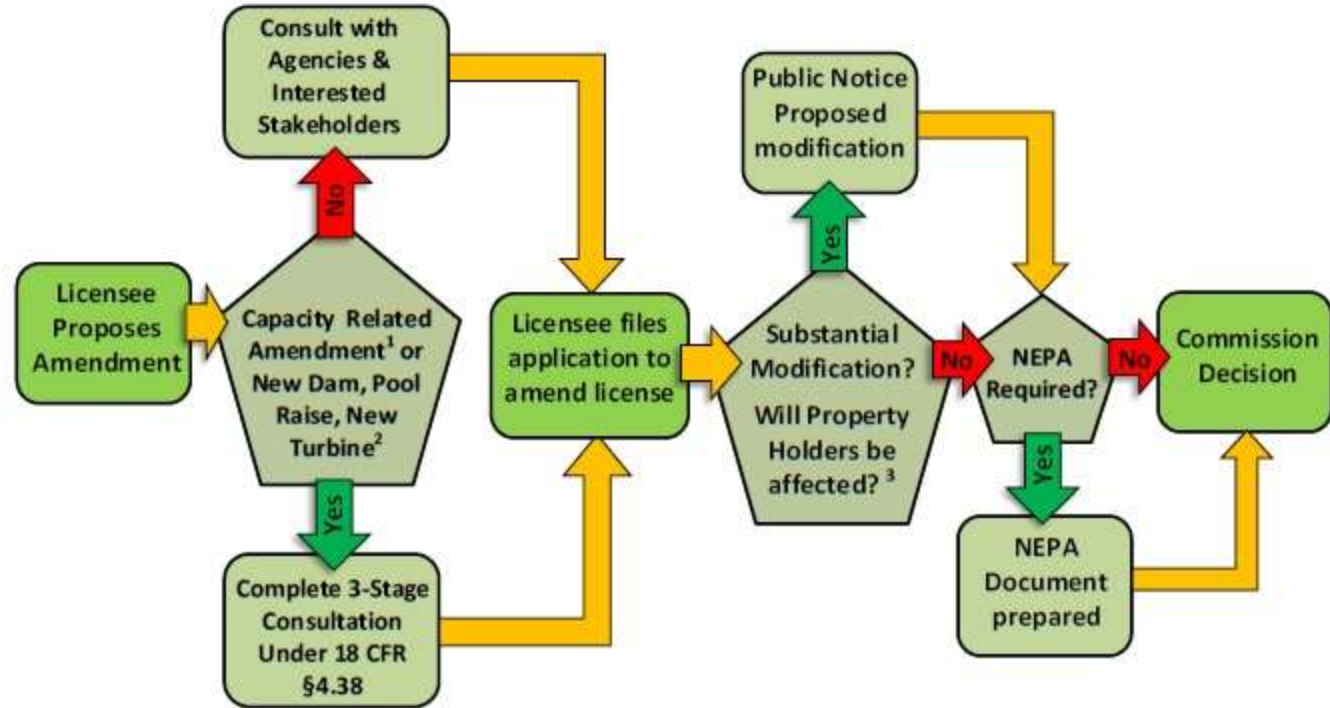
- Do not change capacity (per (18 C.F.R. § 4.201(b)).
- Documentation of consultation with resource agencies, SHPO, and affected Tribes
- Updated Exhibits as required “in light of nature of the proposed amendments”
- Timeline: 3-6 months if no EA necessary; if EA triggered, 1 – 2 years

# Non-Capacity Amendments

## Requiring Three-Stage Consultation

- The construction of a new dam or diversion in a location where there is no existing dam or diversion;
- Any repair, modification, or reconstruction of an existing dam that would result in a significant change in the normal maximum surface area or elevation of an existing impoundment; or
- The addition of new water power turbines other than to replace existing turbines.

# FERC Compliance Handbook Flow Chart



<sup>1</sup> See capacity related amendments under 18 CFR §4.201(b).

<sup>2</sup> See 18 CFR §4.38(a)(6)(v).

<sup>3</sup> Does the proposed modification entail substantial changes to the plan of project development or in the terms and conditions of the license, or adversely affect the rights of property holders not contemplated by the license?



# Navigating the Process

- Look closely at existing approvals in license
- Document consultation
  - Use existing license compliance work groups and relationships to streamline
- Bundle requests
  - Example: Multiple project boundary adjustments, clean-up Exhibit G
- Confirm/Clarify inconsistencies to align with current and future modifications
- Talk to FERC



# Standard Articles

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

# Standard Articles

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

# FERC July 2025 NEPA Policy

- Some DHAC Activities Categorically Excluded - **18 CFR 380.4**
- Additional Reclamation CEs adopted by FERC in July:
  - D.1 is a CE for “Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation.”
  - D.17 is a CE for “Minor safety of dam construction activities where the work is confined to the dam, abutment areas, or appurtenant features, and where no major change See Reclamation Departmental Manual, Series 31, Part 516, Ch. 14.5(D)(1), (17).”



## Group Discussion

- Examples
- Experience with timelines
- Questions and Ideas