



Regulatory Matrix

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National Hydropower Association

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The Regulatory Matrix is also available electronically on the member-only side of NHA's website

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* All referenced NHA regulatory filings are available on our website under “Member Resources”. If you have any questions or an interest in getting involved with a current regulatory filing please contact Dave Zayas at Dave@hydro.org.

FERC Issues Final Rule on Annual Charges

On January 17, FERC issued Order No. 774, *Annual Charges for Use of Government Lands*, a final rule which revises FERC's process for calculating annual charges for hydropower licensees' use of federal lands. This is a significant Order considering the final rule's history, which includes litigation and multiple rounds of stakeholder comments, of which NHA was a participant, and is the first substantive update to federal land values and annual charges in 25 years.

In the final rule, the four-part methodology for calculating the annual charge did not change and includes 1) a per-acre land value by county or geographic area, 2) an encumbrance factor, 3) a rate of return, and 4) an annual inflation adjustment. However, the significance of the final rule lies in the values that FERC assigned to each of the four parts.

To determine the per-acre land value FERC will use the per-acre values found in the National Agricultural Statistics Service (NASS). However, these values will be adjusted downward on a state- by-state basis to remove the value of irrigated lands, plus an additional 7% reduction to remove the value of buildings or other improvements.

For the remaining three parts, FERC adopted an encumbrance factor of 50%, a rate of return of 5.77%, and an annual inflation adjustment of 1.9% to be updated every ten years.

Other significant aspects of the final rule includes:

- For facilities located in Alaska, FERC will use the Alaska areas defined in the NASS Census.
- FERC decided to eliminate its practice of doubling the fee schedule rate for non-transmission line lands.
- Although the final rule will govern the calculation of fees beginning with fiscal year 2013, FERC will allow a 25% reduction in fees during the first year of the final rule.

The Final Rule can be found here:

<http://www.ferc.gov/whats-new/comm-meet/2013/011713/H-1.pdf>

The per acre value by county in each state can be found here:

http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20130227-3040

Hydropower Industry Scores Victory on FPA §24 Power Site Reservations

On March 21, FERC issued a Declaratory Order granting the petition of the Power Site Reservation Fees Group (composed of a number of NHA members) who asked the Commission to declare that it will no longer assess annual land use charges with respect to lands owned by a licensee but subject to a Federal Power Act (FPA) Section 24 power site reservation.

This is a significant Order, as it reverses over 30 years of precedent and will result in reduced federal land use annual charges for many facilities, particularly those located in Alaska.

Under Section 10(e)(1) of the FPA, FERC has the authority to collect annual charges for the “use, enjoyment, and occupancy” of federal lands. FERC levied these fees on lands owned by a licensee after passing from federal ownership because a power site reservation existed. FERC reasoned that the power site reservation is a federal property right and therefore subject to the annual charge.

However, in the March 21 Order, FERC agreed with the Power Site Reservation Fees Group argument that assessing a fee for the use of lands that hydropower licensees have acquired for purposes of hydropower development is inequitable. Specifically, the Commission stated we will “no longer assess annual charges with respect to former federal lands included within the boundaries of hydropower projects as to which a section 24 reservation obtains.”

Recognition is also due to Senator Lisa Murkowski (R-AK) for pioneering this effort, with assistance from NHA, by introducing legislation in 2012 and again earlier this year on the same issue.

FERC’s brief Order can be read here:

http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20130321-3044

NHA’s Expedited Licensing Initiative

NHA has taken the work of the Regulatory Affairs Committee and the Small Hydro Council and formed a new initiative focused on issues that would expedite the licensing process for hydro development, beyond those provisions included in current hydropower legislation. This new initiative includes outreach to the NGO community and to several D.C.-based policy think tanks to build allies for action, reach consensus and address such issues as:

- Better coordination of the U.S. Army Corps Section 404 and 408 approval process with the FERC process;
- Delays in state approvals of Section 401 applications; and
- Other general process improvements involving federal resources agencies and FERC.

The goal of the initiative is to develop and draft potential statutory or regulatory proposals that could be pushed on the Hill or in the agencies starting in the first quarter of 2013.

Recent accomplishments and highlights include:

- March 12 – NHA concludes meetings with the Environment and Public Works (EPW) Committee on the Corps language proposals for the Water Resource Development Act (WRDA). Meetings were held with every Member of the Committee – all 10 Democrats and 8 Republicans.
- March 15 – Senate EPW Committee releases bipartisan WRDA draft language that includes Section 2009: *Hydropower at Corps of Engineers facilities*. This section incorporates language to improve the Corps' review and approval processes as developed by NHA and the expedited licensing working group. In summary, Section 2009 includes:
 - Congressional direction/policy that hydropower development be a priority with the Corps, with reviews and approvals completed in a timely/consistent manner;
 - Language that states that hydro development is consistent with authorized project purposes and with environmental protection;
 - Language that encourages the Corps to develop clear and consistent lines of authority within and across the Corps on hydropower project development;
 - Language that encourages the Corps to develop consistent and corresponding processes for hydro approvals;
 - Language for developing a dispute resolution process in the Corps for developers; and
 - A required report in 1 year on the initiatives to implement these improvements, a list of new Corps activities on hydro, and a status update on pending applications.

The WRDA draft did not include some NHA-supported regulatory details and specifics regarding application reviews and approvals NHA thought would provide additional direction to the Corps and assist in better, more coordinated and timely actions. However, NHA will continue to participate in the legislative process to pursue this language, where appropriate.

- March 15 – NHA facilitates conference call with Green Strategies and NHA legal and licensing professionals to scope out proposals for broader licensing reform, including issues on studies, mandatory conditioning, process timelines, and other agency approvals.
- March 18 – Senate EPW Committee unanimously approves the WRDA, including Section 2009 with the Corps language.
- March 22 – Green Strategies holds conference call with American Rivers to discuss broader hydropower licensing reform issues.

- April 2 – NHA facilitates second conference call with Green Strategies and NHA legal and licensing professionals.
- Late April – Third in-person meeting of the expedited licensing group (industry, NGOs and third parties) is being planned with a focus on broader hydropower licensing reform issues.

Obama Administration Releases Updated Principles and Guidelines for Federal Investments in Water Resources

The Council on Environmental Quality (CEQ) announced the release of final Principles and Guidelines for Water and Land Related Resources Implementation Studies (P&G). The P&G's govern how Federal agencies evaluate proposed water resource development projects, and are meant to accelerate project approvals, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. The final P&G's are the result of a directive included in the 2007 WRDA.

At the same time, CEQ also announced new draft guidelines for implementing the final P&G's. There is a **60-day comment period** on the draft guidelines for implementation and the filing deadline is **May 28**.

NHA staff has scheduled a meeting with the Department of Interior, including Assistant Secretary Anne Castle, for clarification and next steps.

Highlights from the Principles & Guidelines:

- The kinds of Federal activities to which these Principles may apply include, but are not limited to, as relevant and appropriate: (1) **grant programs, such as those associated with the Endangered Species Act, Coastal Zone Management Act, Coastal Wetlands Planning, Protection and Restoration Act, and Consolidated Farm and Rural Development Act, as well as those associated with the Sport Fish Restoration, Wildlife Restoration, National Coastal Wetlands Conservation, North American Wetlands Conservation, Hazard Mitigation Assistance and Public Assistance programs;** (2) funding programs, such as **Pacific Coastal Salmon Recovery Fund, ... (3) studies or investigations leading to construction of infrastructure, including new facilities or modernization of existing facilities, dam safety or operational modifications, and ecosystem protection and restoration projects;** and (4) **proposals and plans that affect the management of Federal assets including National Wildlife Refuges, National Parks, National Forests and National Grasslands.**
- Do not apply to regulatory activities (such as the issuance of permits associated with Section 404 of the Clean Water Act) or research and monitoring activities.
- The Principles were designed to meet the Federal Objective, as set forth in the WRDA of 2007, that Federal water resources investments shall reflect national priorities, encourage economic development, and protect the environment by:

- (1) seeking to maximize sustainable economic development;
 - (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and
 - (3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.
- Supplement a myriad of requirements that are specified in other laws, such as the **National Environmental Policy Act (NEPA)**. Federal investments in water resources through projects, programs or activities will often require NEPA analyses. The NEPA process should be integrated with these processes developed to implement these Principles and Requirements to facilitate the production of a single decision document that fulfills the requirements of both processes.

Additional information on the final P&G's and draft guidelines can be found here:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/PandG>

ASMFC Proposes American Eel Addendum

The Atlantic States Marine Fisheries Commission (ASMFC) has announced public hearings to gather comments on *Draft Addendum III to the Interstate Fishery Management Plan for American Eel*. The hearings will be taking place during the month of April throughout the Atlantic coastal states.

The Draft Addendum proposes a wide range of management options with the goal of reducing mortality, increasing the conservation of American eel stocks across all life stages, increasing monitoring, and improving eel habitat. **The Draft Addendum is a response to findings made in a 2012 benchmark stock assessment indicating the American eel population in U.S. waters is depleted, and cited turbine mortality as one cause, among others, contributing to stock depletion.**

NHA and the industry have been involved in the American Eel issue since 2005. Most recently, NHA filed comments in November 2011 with the U.S. Fish and Wildlife Service responding to a petition to list the eel as threatened under the Endangered Species Act (ESA). In our comments we argued there was insufficient new scientific evidence to justify listing under the ESA.

Although it appears that the Fish and Wildlife Service does not have funding to start the 12-month finding/status review period, which would determine whether the listing is warranted under the ESA, actions taken by ASMFC and their recommendations could affect state actions related to section 401 certifications and settlement agreements.

ASMFC is seeking comments on the proposed Draft Addendum by **May 2, 2013**.

For location and times of the hearings, and to review the Draft Addendum please visit the ASMFC website at <http://www.asmfc.org/>, and search under "Managed Species" and "Press Releases".

NHA Meets with Administration Officials and other Energy Groups

Over the past few months, NHA's Regulatory Committee staff has been implementing its proactive plan to place the association in front of select agency officials and energy groups. Specifically, we have:

- Participated in a FERC 101 panel discussion organized by the Business Council for Sustainable Energy. Panelists included the American Wind Energy Association, the American Gas Association, and the Public Service Enterprise Group.
- NHA has engaged the National Association of Regulatory Commissioners (NARUC) to discuss market issues, ancillary services and integrating intermittent/variable renewable energy resources.
- NHA met with the U.S. Fish and Wildlife Service's Division of Habitat and Resource Conservation to discuss proposed rules on Voluntary Conservation Agreements, Critical Habitat, and ways to collaborate in the future.
- NHA met with FERC Commissioner Tony Clark to introduce NHA and our priority issues.
- NHA met with FERC's Michael McLaughlin, Director of the Office of Energy Market and Regulation, to introduce NHA and discuss market issues.
- NHA met with Energy Information Administration (EIA) officials and provided a general update on the hydropower industry, its growth potential, and had a discussion about how EIA's forecasts and models affect the industry.
- In the coming months NHA will be organizing a webinar in conjunction with the National Association of State Energy Officials (NASEO) and their membership.

Reclamation Develops Website for Lease of Power Privilege (LOPP)

The Bureau of Reclamation has developed a new website to assist customers, stakeholders and those interested in developing hydropower under the Lease of Power Privilege (LOPP) process. Documents provided on the site include the Directive and Standard that defines the process, responsibilities, timelines and charges; flowcharts, examples and guidance documents; current LOPP projects; and guiding legislation. The new website may be viewed at www.usbr.gov/power/lopp/.

On September 28, the Bureau of Reclamation released the final requirements for the Lease of Power Privilege ("LOPP"), of which NHA's Small Hydro Council was very involved with by filing two rounds of comments on draft LOPP proposals.

LOPP Timeline:

- November 4, 2011 – Reclamation Issues Draft LOPP for Comment
- November 17, 2011 – Reclamation Extends Comment Period to January 15, 2012
- January 13, 2012 – NHA Files First Round of Comments
- February 6, 2012 – NHA Meets with Dept. of Interior Officials to Discuss LOPP
- April 5, 2012 – Reclamation Issues Temporary Directive & Standard LOPP and Announces 60-Day Comment Period
- June 4, 2012 – NHA Files Second Round of LOPP Comments
- September 28, 2012 – Reclamation Issues Final LOPP

FERC, Coast Guard Sign MOU on Hydrokinetics

On March 12, FERC and the U.S. Coast Guard within the U.S. Department of Homeland Security signed a Memorandum of Understanding (MOU) to cooperate on the development of hydrokinetic projects.

The MOU will advance interagency cooperation in protecting navigation safety, maritime security, and environmental resources when considering license proposals for hydrokinetic energy development.

“Hydrokinetic development is an up and coming resource and this MOU provides valuable coordination between FERC and the Coast Guard to ensure an efficient process while protecting valuable environmental resources,” commented FERC Chairman Jon Wellinghoff. “I want to thank the Coast Guard for their willingness to move forward with the important agreement. “

Specifically, the MOU will improve the ability of the agencies to:

- Establish a joint timetable;
- Identify critical issues early;
- Acquire and share information efficiently; and
- Collaborate on analysis

BPA Petitions 9th Circuit in Oversupply Dispute

The Bonneville Power Administration petitioned the 9th Circuit Court of Appeals to review two FERC orders in the Northwest oversupply dispute. BPA's petition preserves the government's right to seek review in the future, but at this time it is uncertain whether BPA will pursue court action.

The two FERC orders, released December 20, 2012, reaffirmed FERC's authority under the Federal Power Act (FPA) Section 211A and its exercise of that authority in this case in order to remedy BPA's unduly discriminatory practices against wind generation; and directed BPA to revise its proposed oversupply curtailment policies and cost allocation mechanisms in order to ensure comparability and eliminate undue discrimination.

In May 2011, BPA adopted its Environmental Redispatch Policies, under which it unilaterally curtailed generators and utilized their firm transmission rights without compensation to deliver federal hydropower during certain high water situations. BPA stated that this policy was a necessary component of its compliance with organic and environmental statutory requirements.

In June 2011, a coalition of wind energy facility owners filed with FERC a complaint and petition for order under Section 211A of the FPA, requesting FERC order BPA to discontinue its discriminatory practices.

In December 2011, FERC granted the wind owners complaint, directing BPA to file revisions to its Open Access Transmission Tariff (OATT) to provide for transmission service on terms and conditions that are comparable to those under which Bonneville provides service to itself and that are not unduly discriminatory or preferential.

BPA and others filed a request for rehearing and/or clarification of the order. BPA also made a subsequent compliance filing, proposing a new protocol to govern during oversupply conditions, called the Oversupply Management Protocol (OMP).

In the December 20 orders, FERC denied BPA's request for a rehearing and ordered BPA to revise its proposed oversupply curtailment policies and cost allocation mechanisms in order to ensure comparability and eliminate undue discrimination. FERC's two orders can be viewed here:

- http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20121220-3044
- http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20121220-3057

NHA Soliciting “Hot Topics” Issues

Are you experiencing licensing or compliance issues that would be beneficial to share? Are you noticing emerging trends/themes in the industry that should be discussed with a broader group? Please contact Dave Zayas at David@hydro.org with your ideas. With enough notice NHA will work to set up these calls with the appropriate FERC or other federal official for direct and unfiltered discussions.

Recent discussions have included the coordination of invasive species management between FERC and the states, responding to annual compliance letters, shoreline management plans, and FERC’s policy of labeling minor license deviations as violations.

Legal Update

L.A. County v. NRDC

This past autumn NHA participated in an amicus brief in the Supreme Court case *Natural Resources Defense Council, Inc. v. County of Los Angeles*, 636 F.3d 1235 (9th Cir. 2011), cert. granted, 80 U.S.L.W. 3707 (U.S. June 25, 2012) (No. 11-460).

The case examined the scope of a “discharge” of pollutants under section 402 of the Clean Water Act (CWA). NHA and the other industry members supported the brief to ensure the Supreme Court did not disrupt longstanding precedent in other circuits that dams are not point sources, and dam owners, including FERC hydro licensees, are not required to obtain an NPDES permit for general dam operations.

The Supreme Court granted certiorari on the following question:

“When water flows from one portion of a river that is navigable water of the United States, through a concrete channel or other engineered improvement in the river constructed for flood and stormwater control as part of a municipal separate storm sewer system, into a lower portion of the same river, can there be a “discharge” from an “outfall” under the Clean Water Act, notwithstanding this Court’s holding in *South Florida Water Management District v. Miccosukee Tribe of Indians*, 541 U.S. 95, 105 (2004), that transfer of water within a single body of water cannot constitute a “discharge” for purposes of the Act?”

On December 4, the Supreme Court heard oral arguments. Most of the oral arguments focused on the allocation of liability and interpretation of the L.A. County stormwater permit, and not the larger legal implications. There appeared to be agreement that the Ninth Circuit erred in finding that a “discharge”, as that term applies in the CWA, had occurred in this case.

In early 2013, the Supreme Court reversed the 9th Circuit’s decision, holding: “The flow of water from an improved portion of a navigable waterway into an unimproved portion of the same waterway does not qualify as a ‘discharge of a pollutant’ under the CWA. See *South Fla. Water Management Dist. v.*

Miccosukee Tribe, 541 U. S. 95, 109– 112... The Ninth Circuit’s decision cannot be squared with this holding.”

Procedural History: This case is rooted in the discharge of stormwater runoff into navigable waters in Southern California collected by municipal separate stormwater sewer systems (ms4) owned and operated by the County of Los Angeles and the Los Angeles County Flood Control District (Defendants). The Natural Resources Defense Council brought suit alleging that the ms4 discharge exceeds the Defendants National Pollutant Discharge Elimination System (NPDES) permit and therefore violates the CWA. Both parties agree that numerous water-quality standards have been exceeded, but Defendants contend that there is no evidence establishing their responsibility for, or discharge of, stormwater carrying pollutants to the rivers.

The district court agreed with Defendants and granted them summary judgment. On appeal, the Ninth Circuit overturned the district court’s ruling, and ruled that water originating from a navigable river and passing through a concrete, channelized portion of the river into the natural river below, is a discharge from a “point source” under the CWA. The Ninth Circuit also held that Defendants are responsible for pollutants even though they only conveyed polluted water through its structure, and did not add a pollutant to the water in the process. The Supreme Court then granted certiorari.

NHA decided to become involved in the amicus brief because if the Supreme Court upholds the Ninth Circuit’s decision, beneficial case law (*National Wildlife Federation v. Gorsuch* and *South Florida Water Management District v. Miccosukee Tribe of Indians*) could be upset or narrowed. Under the Ninth Circuit’s reasoning, it is logical to infer that any structure in a river, including a dam, through which water containing pollutants passes could be subject to an NPDES permit.

[State of Alaska vs. U.S. Department of Agriculture, D.D.C. No. 2011-1122 \(2013\)](#)

The State of Alaska brought the suit claiming that the roadless rule is illegally restricting timber supplies, new mining jobs and development in Alaska, including hydropower projects in the southeast.

A second legal challenge was also brought by Alaska appealing an Anchorage district court's decision to invalidate the George W. Bush administration's decision to exempt Alaska's 17-million-acre Tongass National Forest from the national roadless rule. That case is pending before the 9th U.S. Circuit Court of Appeals in San Francisco.

On March 25, 2013, the U.S. District Court for the District of Columbia ruled against Alaska’s challenge to the 2001 roadless rule, deciding the state’s June 2011 challenge was filed too late.

Miscellaneous Regulatory News

[President Obama Selects Sally Jewell as New Secretary of Interior](#)

President Obama announced on February 6 his selection of Sally Jewell, CEO of Seattle-based outdoor equipment company REI, as his choice to replace Secretary Ken Salazar at the Department of the Interior. In March, the Senate Energy and Natural Resources Committee approved Jewell’s nomination

by a vote of 19-3, moving her nomination for full Senate approval.

Unlike many other cabinet members, Jewell is not a career politician. Prior to joining REI, she spent 19 years in the commercial banking industry. Jewell began her professional career as an engineer for Mobil Oil Corporation in Oklahoma and Colorado. She graduated from the University of Washington in 1978 with a degree in Mechanical Engineering.

[DOE Names Mark Gabriel as WAPA Administrator](#)

On April 3, the Department of Energy named Mark Gabriel as the new administrator of the Western Area Power Administration (WAPA), one of the country's four power marketing administrations, which operates the grid in the West.

Gabriel has more than two decades of experience in the electric industry and will begin managing WAPA immediately. Previously, Gabriel was the president and CEO of Power Pundits LLC in Conifer, Colo., a management consulting firm specializing in energy, served as senior vice president for Black and Veatch, working in the areas of electricity, water, oil and gas, and cybersecurity.

[Drummond Named BPA Administrator](#)

The Energy Department has chosen Bill Drummond to be the new Administrator for the Bonneville Power Administration (BPA), one of the four Power Marketing Administrations (PMAs) the Department oversees. Drummond will be responsible for managing the non-profit federal agency, which markets carbon-free power from Columbia River hydroelectric dams and the region's one nuclear plant.

"Bonneville represents the best expression of public vision and achievement; collaborative relationships, environmental stewardship and a commitment to operational excellence," said Drummond. "I am grateful for this opportunity and look forward to my new role at BPA."

Previously, Drummond served as BPA's deputy administrator and has worked in the energy industry for over 30 years.

[President Obama Taps new Energy Secretary](#)

On March 4, President Obama announced Ernest Moniz as his pick to replace Steven Chu as Secretary of Energy. Moniz is currently a physics professor at the Massachusetts Institute of Technology, where he is also the Director of the Energy Initiative and Laboratory for Energy and Environment. He previously served in the Clinton administration as Associate Director of the Office of Science and Technology Policy from 1995-1997 and as the Under Secretary of Energy from 1997-2001.

Confirmation hearing will take place the week of April 8.

[EPA Releases Draft Report – National Rivers and Streams Assessment 2008–2009](#)

The Environmental Protection Agency has released for public review and comment a draft report of the National Rivers and Streams Assessment 2008–2009 (NRSA). Any comments must be received by **May 9, 2013**. "The draft NRSA finds that 55% of the nation's river and stream miles do not support healthy

biological communities when compared to least disturbed sites in similar ecological regions. Fair conditions are found in 23% of river and stream miles, while 21% are in good condition and support

healthy aquatic communities.” You may view and download the draft report from EPA’s Web site at: <http://water.epa.gov/type/rsl/monitoring/riverssurvey/index.cfm>

U.S. Forest System Planning Rule - Proposed Directives

The Forest Service has issued proposed directives to the Forest Service Handbook (FSH 1909.12) and Manual (FSM 1920) establishing procedures and responsibilities for implementing the National Forest System (NFS) land management planning regulation (Planning Rule).

Issuance of these proposed directives is intended to provide consistent overall guidance to Forest Service Line Officers and agency employees in developing, amending, or revising land management plans for units of the NFS. Public comment is invited and will be considered in developing the final directives. Comments are due **April 29, 2013**.

The Federal Register announcement can be found here: <http://www.gpo.gov/fdsys/pkg/FR-2013-02-27/pdf/2013-04470.pdf>

The proposed directives can be found here: <http://www.fs.usda.gov/detail/planningrule/home/?cid=stelprdb5403924>

Bureau of Land Management Releases Ecoregional Assessments

In February, the BLM released the first in a series of in-depth ecological assessments that ultimately will cover more than half a million miles of public lands across the West in an effort to better protect sensitive wildlife habitat and guide energy development.

The first of seven “rapid ecoregional assessments” (REAs) covers more than 32,000 square miles of public land in the Colorado Plateau region that stretches across eastern Utah and western Colorado but also includes parts of Arizona and New Mexico.

The REA includes analysis of areas where renewable energy, transmission lines and other development activity might be most suitable. REA’s could have an impact on hydro projects generally, but pumped storage projects specifically, and NHA will continue to monitor or get involved in developing REA’s as necessary.

The BLM plans to complete six more REA’s by the end of 2013. The first REA can be found here: http://www.blm.gov/wo/st/en/prog/more/Landscape_Approach/reas/coloplateau.html

EPRI Study Finds U.S. Rivers Could Provide 3% of Nation's Electricity

The Electric Power Research Institute (EPRI) recently completed a mapping and assessment of hydrokinetic resources in continental U.S. rivers and found that these undeveloped resources could provide 3% of the nation's annual use of electricity.

Although the study yielded a total theoretical resource estimate of 1,381 terawatt-hours per year (TWh/yr), which is equivalent to approximately 25% of annual U.S. electricity consumption, EPRI revised its findings to sites that are technically recoverable, which was 120 TWh/yr, or approximately 3% of annual U.S. electricity consumption.

The results show that the Lower Mississippi region contributes almost half (47.9%) of the technically recoverable resource estimate; Alaska, 17.1%; the Pacific Northwest region, 9.2%; and the Ohio region, 5.7%.

The EPRI press release and assessment can be found at <http://www.epri.com/Press-Releases/Pages/EPRI-Calculates-U-S--Riverine-Hydrokinetic-Potential-at-3-of-Annual-Electricity-Demand.aspx>

Quantifying the Value of Hydropower in the Electric Grid

At the end of March, EPRI released a technical report titled *Quantifying the Value of Hydropower in the Electric Grid*. With increasing deployment of wind and solar renewable generation, many owners, operators, and developers of hydropower have recognized the opportunity to provide more flexibility and ancillary services to the electric grid.

This study confirmed that hydropower resources across the United States contribute significantly to operation of the grid in terms of energy, capacity, and ancillary services.

The report can be read here:

<http://www.epri.com/abstracts/Pages/ProductAbstract.aspx?ProductId=00000000001023144>

ABA Public Land Law Symposium – April 17-18, Missoula MT

The American Bar Association's Public Land Law Symposium is scheduled for April 17-18 in Missoula, MT. There are a number of hydropower focused panels, but with little to no industry representation. Further, David Hayes, Deputy Secretary at DOI, is giving the Keynote. More information here: http://www.americanbar.org/calendar/2013/04/41st_national_springconferenceontheenvironment-balancingactandpa.html

Clear Your Calendars - NHA Events Coming Soon!

Check NHA's website for the latest updates and registration information for our Annual Conference and Regional Meetings:

- NHA Annual Conference – *Hydro: America's Economic Engine for Growth & Innovation*, April 22-24, 2013, Capital Hilton, Washington, D.C.
- NHA Midwest Regional Meeting with MHUG, May 15-16, 2013, Wisconsin Dells, WI
- Hydro Finance Summit, June 3, 2013, New York, NY
- Hydraulic Power Committee Meeting Fall Retreat, September 9-11, 2013, Spokane, WA
- NHA Alaska Regional Meeting, September 26-27, 2013, Girdwood, AK
- NHA Northeast Regional Meeting, October 2-3, Northampton, MA