



Hydropower *Service Involvement*

Service involvement in relicensing actions typically begins two years before an application is filed with FERC. During this pre-filing process, an applicant is required to consult with the Service regarding the types of resources that may be affected by specific project plans.

The Service may identify the types of information needed, including recommending new studies necessary to identify potential impacts of the project on fish and wildlife and related habitats. The applicant would then include all of the available information from the studies conducted during the pre-application period, in the final license application filed with FERC.

FERC then considers the application in accordance with applicable law, primarily the Federal Power Act (which incorporates by reference the Fish and Wildlife Coordination Act) and the National Environmental Policy Act. FERC is required to consult with the Service under both laws and additionally under the Endangered Species Act if listed species are likely to be affected.

Following FPA and NEPA consultation with the Service (and after having received comments from other Federal and State agencies, Indian tribes and the public), FERC conducts a review of the merits of the project. This review attempts to balance the developmental and natural resource value of the affected environment. FERC must include the Service's requirements for fish passage on any license issued and must include recommendations to protect and enhance fish and wildlife unless it concludes that the Service's recommendations would be inconsistent with FPA. The law establishes procedures for coordination on these matters. Once FERC has developed the anticipated license terms and conditions, ESA consultation is conducted (when necessary) on the proposed action. Issuance of a license follows completion of a biological opinion.

The Service continues to be involved in most projects after FERC issues a license by assisting the licensee in complying with the fish and wildlife terms in the license.

