

114TH CONGRESS
1ST SESSION

S. 1338

To amend the Federal Power Act to provide licensing procedures for certain types of projects.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2015

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

A BILL

To amend the Federal Power Act to provide licensing procedures for certain types of projects.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Hydropower De-
5 pendable Regulatory Order Act of 2015” or the “Small
6 HyDRO Act of 2015”.

7 **SEC. 2. LICENSING PROCEDURES FOR CERTAIN TYPES OF**
8 **PROJECTS.**

9 Part I of the Federal Power Act (16 U.S.C. 792 et
10 seq.) is amended by adding at the end the following:

1 **“SEC. 34. LICENSING PROCEDURES FOR CERTAIN TYPES OF**
 2 **PROJECTS.**

3 “(a) DEFINITION OF COVERED PROJECT.—In this
 4 section, the term ‘covered project’ means a project—

5 “(1) that does not alter the existing flowrate of
 6 the body of water the project is on; and

7 “(2)(A) that has a power production capacity
 8 that is not more than 5 megawatts; or

9 “(B) to power a nonpowered dam.

10 “(b) SPECIAL CATEGORY OF LICENSE.—Notwith-
 11 standing any other provision of this part, a license with
 12 respect to a covered project shall only be issued in accord-
 13 ance with this section.

14 “(c) APPLICATION.—An applicant for a license for a
 15 covered project under this section shall submit to the Com-
 16 mission an application for a license in such form and man-
 17 ner and requiring such information as the Commission
 18 may require.

19 “(d) REBUTTABLE PRESUMPTION.—In deciding
 20 whether to issue any license for a covered project under
 21 this section, there shall be a rebuttable presumption that
 22 the license be issued.

23 “(e) ENVIRONMENTAL COMPLIANCE.—For purposes
 24 of issuing a license under this section, if there is a conflict
 25 between any environmental analysis prepared by the Com-
 26 mission under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) with respect to the covered
2 project and any environmental analysis prepared by any
3 other Federal or State agency under that Act, the Com-
4 mission shall resolve the differences.

5 “(f) TERM OF LICENSE.—The term of a license for
6 a covered project issued under this section shall be 10
7 years.

8 “(g) DEADLINE FOR ISSUANCE.—Not later than 180
9 days after the date on which the Commission receives an
10 application for a license for a covered project under sub-
11 section (c), the Commission shall—

12 “(1) approve the license and issue the license;

13 or

14 “(2) disapprove the license.”.

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