

Streamlining Section 408 Licensing for Hydropower

Rep. Maggie Goodlander (D-NH) & Rep. Carol Miller (R-WV)

The Problem: In order to add hydropower generation to existing dams owned by the U.S. Army Corps of Engineers, project sponsors must receive permission from the Army Corps, under Section 408 of the Rivers and Harbors Act. Right now, this licensing process is inconsistent across Army Corps districts, which slows the deployment of new hydropower.

The Solution: This bill standardizes the review process and timeline for review of Section 408 license applications. Standardization will ensure that desperately needed new generation can be added to existing non-powered dams, with the potential to unlock as much as three gigawatts of power nationwide.

What the Bill Does:

- Directs the Army Corps to issue mandatory guidance on the 408 licensing process, setting clear requirements for applicants and license reviews.
- Directs the Army Corps to standardize an application checklist, completeness criteria, and provide clear guidance on the review of phased designs, to ensure uniform application of the 408 licensing process.
- Sets a clear process for escalating 408 license applications when deadlines are missed.
- Limits the scope of the license application process to exclude reviews that are duplicative and outside of the scope of Section 408.

This bill is endorsed by the National Hydropower Association.

A companion bill is led by Senators Steve Daines (R-MT) and Maggie Hassan (D-NH).