

9-15-1990

Resolution 1990-09-12 Federal Energy Regulatory Commission

Association of Fish and Wildlife Agencies

Follow this and additional works at: http://digitalcommons.law.msu.edu/afwa_reso



Part of the [Environmental Law Commons](#), and the [Natural Resources Law Commons](#)

Recommended Citation

Association of Fish and Wildlife Agencies, *Resolution 1990-09-12 Federal Energy Regulatory Commission* (1990),
Available at: http://digitalcommons.law.msu.edu/afwa_reso/49

This Article is brought to you for free and open access by the The (International) Association of Fish & Wildlife Agencies Conservation Collection at Digital Commons at Michigan State University College of Law. It has been accepted for inclusion in Resolutions by an authorized administrator of Digital Commons at Michigan State University College of Law. For more information, please contact domannbr@law.msu.edu.



Resolution 1990-09-12

FEDERAL ENERGY REGULATORY COMMISSION

WHEREAS, a recent unanimous Supreme Court decision has rejected appeals from all 50 states in ruling that the Federal Energy Regulatory Commission (FERC) is not bound by state recommendations regarding minimum water flows when licensing hydropower plants; and

WHEREAS, Congress intended that fish and wildlife have equal consideration by virtue of the 1920 Act and 1986 law; and

WHEREAS, FERC is mandated by law to consider multi-purpose values, but in many instances has focused on providing power without considering recommendations of state fish and wildlife agencies; and

WHEREAS, after 1980 FERC embarked on a policy of promoting the development of hundreds of small hydropower projects from a single purpose point of view without concern for the damage they might do to the environment or whether these new facilities were even needed; and

WHEREAS, when FERC statutes were first enacted, federal agencies were vested with authority to spearhead the development of public resources and rebuild the economy; and

WHEREAS, FERC recently issued a Notice of Proposed Rulemaking concerning submittal of proposed hydropower license conditions, including conditions submitted under Section 10Cj) of the Federal Power Act;

NOW THEREFORE, BE IT RESOLVED that the International Association of Fish and Wildlife Agencies strongly urges FERC to fully recognize the intent of Congress to establish an identifiable process under Section 10Ci) for placing "Great Weight" on, and the adoption of, recommendations to FERC from state and federal fish and wildlife agencies concerning license conditions for hydropower facilities and operations that may affect fish and wildlife resources; and to establish an authorized appeals process to the Secretary of Interior for proposed hydropower license conditions prior to the issuance of such licenses.

BE IT FURTHER RESOLVED that the International Association of Fish and Wildlife Agencies strongly urges the Federal Administration and Congress to fully support and implement the current House of Representatives proposal to add \$750,000 to the 1991 budget for the US. Fish and Wildlife Service for the specific purpose of addressing fish and wildlife issues related to the regulation of hydroelectric power generation licensed by FERC.