

103D CONGRESS
2D SESSION

S. 2384

AN ACT

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electric projects under the Federal Power Act,
and for other purposes.

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to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

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 “Federal Power Act
5 Amendments of 1994”.

1 addition to such system, the State in which such
2 project works are located shall have the exclusive au-
3 thority to authorize such project works under State
4 law, in lieu of licensing by the Commission under the
5 otherwise applicable provisions of this part, effective
6 upon the date on which the Secretary of Energy de-
7 termines, after notice and an opportunity for public
8 comment, that the State has assessed its river re-
9 sources in a comprehensive way and has in place a
10 process for regulating such projects which gives con-
11 sideration to the improvement or development of the
12 State's waterways for the use or benefit of intra-
13 state, interstate, or foreign commerce, for the im-
14 provement and use of waterpower development, for
15 the protection, mitigation of damage to, and en-
16 hancement of fish and wildlife (including related
17 spawning grounds), and for other beneficial public
18 uses, including irrigation, flood control, water sup-
19 ply, recreational and other purposes, and Indian
20 rights, if applicable. Upon notice from the Governor
21 of the State, the Secretary of Energy shall imme-
22 diately initiate the process to make this determina-
23 tion, and shall complete said process and make a de-
24 termination within 180 days of such notice.

1 “(d) In the case of a project that would be subject
2 to authorization by a State under subsection (c) but for
3 the fact that the project has been licensed by the Commis-
4 sion prior to the enactment of subsection (c), the licensee
5 of such project may in its discretion elect to make the
6 project subject to the authorizing authority of the State.

7 “(e) With respect to projects located in whole or in
8 part on Federal lands, State authorizations for project
9 works pursuant to subsection (c) of this section shall be
10 subject to the approval of the Secretary having jurisdiction
11 with respect to such lands and subject to such terms and
12 conditions as the Secretary may prescribe.

13 “(f) Nothing in subsection (c) shall preempt the ap-
14 plication of Federal environment, natural, or cultural re-
15 sources protection laws according to their terms.”.

16 **SEC. 102. REMOVAL OF FEDERAL ENERGY REGULATORY**
17 **COMMISSION JURISDICTION.**

18 The following projects located entirely within the
19 State of Alaska are removed from the jurisdiction of the
20 Federal Energy Regulatory Commission and all applicable
21 laws and regulations relating to such jurisdiction—

22 (1) a project located at Sitka, Alaska, identified
23 in FERC Docket No. UL89-08; and

24 (2) a project located near Nondalton, Alaska,
25 identified in FERC Docket No. EL88-25.

1 **TITLE IV—PROJECTS IN THE STATE OF**
2 **IDAHO**

3 **SEC. 401. EXTENSION OF DEADLINE.**

4 Notwithstanding the time limitation of section 13 of
5 the Federal Power Act, the Federal Energy Regulatory
6 Commission, upon the request of the licensee for FERC
7 project numbered 4797, is authorized, in accordance with
8 the good faith, due diligence, and public interest require-
9 ments of such section 13 and the Commission's procedures
10 under such section, to extend until March 28, 2000 the
11 time required for the licensee to commence the construc-
12 tion of such project.

13 **TITLE V—PROJECTS IN THE STATE OF**
14 **ILLINOIS**

15 **SEC. 501. PROJECT NUMBER 3943.**

16 The Federal Energy Regulatory Commission is au-
17 thorized and directed to reinstate effective August 16,
18 1994 the hydroelectric license previously issued for Project
19 Number 3943. Within the meaning of section 13 of the
20 Federal Power Act time required for the commencement
21 of construction of such project shall be reinstated for not
22 more than 3 consecutive 2-year periods.

23 **SEC. 502. PROJECT NUMBER 3944.**

24 The Federal Energy Regulatory Commission is au-
25 thorized and directed to reinstate effective August 15,

1 1994 the hydroelectric license previously issued for Project
2 Number 3944. Within the meaning of section 13 of the
3 Federal Power Act time required for the commencement
4 of construction of such project shall be extended for not
5 more than 3 consecutive 2-year periods.

6 **TITLE VI—PROJECTS IN THE STATE OF**
7 **KENTUCKY**

8 **SEC. 601. EXTENSION OF DEADLINE.**

9 That notwithstanding the time limitations of section
10 13 of the Federal Power Act, the Federal Energy Regu-
11 latory Commission, upon the request of the licensee for
12 FERC project numbered 10228 (and after reasonable no-
13 tice), is authorized, in accordance with the good faith, due
14 diligence and public interest requirements of such section
15 13 and the Commission's procedures under such section,
16 to extend the time required for commencement of con-
17 struction of the project for up to a maximum of three con-
18 secutive two-year periods. This section shall take effect for
19 the project upon the expiration of the extension (issued
20 by the Commission under such section 13) of the period
21 required for commencement of construction of such
22 project.

1 **TITLE VII—PROJECTS IN THE STATE OF**
2 **NEW MEXICO**

3 **SEC. 701. EXEMPTION OF PORTION OF EL VADO HYDRO-**
4 **ELECTRIC PROJECT FROM LICENSING RE-**
5 **QUIREMENT OF PART I OF THE FEDERAL**
6 **POWER ACT.**

7 (a) Part I of the Federal Power Act shall not be ap-
8 plicable to the portion of the El Vado Hydroelectric
9 Project, New Mexico (FERC project numbered 5226) that
10 is described in subsection (b).

11 (b) The portion of the El Vado Hydroelectric Project
12 referred to in subsection (a) consists of the 69 KV trans-
13 mission line, including the right of way, which originates
14 in the switchyard of such project and extends north to the
15 Spills Switching Station operated by the Northern Rio
16 Arriba Electric Cooperative, Inc., located in Rio Arriba
17 County, New Mexico.

18 **TITLE VIII—PROJECTS IN THE STATE OF**
19 **OREGON**

20 **SEC. 801. EXTENSION OF DEADLINE.**

21 The Federal Energy Regulatory Commission is au-
22 thorized and directed to reinstate effective May 23, 1993
23 the hydroelectric license previously issued for project num-
24 bered 7829. Commencement of construction within the
25 meaning of section 13 of the Federal Power Act shall com-

1 mence within four years of the date of enactment of this
2 section.

3 **TITLE IX—PROJECTS IN THE STATE OF**
4 **WASHINGTON**

5 **SEC. 901. EXTENSION OF DEADLINE.**

6 Notwithstanding the time limitation of section 13 of
7 the Federal Power Act, the Federal Energy Regulatory
8 Commission, upon the request of the licensee for FERC
9 project numbered 3701, is authorized, in accordance with
10 the good faith, due diligence, and public interest require-
11 ments of such section 13 and the Commission's procedures
12 under such section, to extend until May 31, 2000, the time
13 required for the licensee to commence the construction of
14 such project.

15 **TITLE X—PROJECTS IN THE STATE OF**
16 **WEST VIRGINIA**

17 **SEC. 1001. EXTENSION OF DEADLINE.**

18 Notwithstanding the time period specified in section
19 13 of the Federal Power Act (16 U.S.C. 806) that would
20 otherwise apply to the Federal Energy Regulatory Com-
21 mission projects numbered 6901 and 6902, the Commis-
22 sion shall, upon the request of the licensee for such
23 projects, in accordance with the good faith, due diligence
24 and public interest requirements of such section 13 and
25 the Commission's procedures under such section and the

1 procedures specified in such section, extend the time pe-
2 riod during which such licensee is required to commence
3 of construction of such projects to terminate on October
4 3, 1999. This section shall take effect for the projects
5 upon the expiration of the extension (issued by the Com-
6 mission under such section 13) of the period required for
7 commencement of construction of such projects. If the li-
8 cense issued for project numbered 6902 should expire
9 prior to the date of enactment of this Act, the Commission
10 is authorized and directed to reinstate effective October
11 15, 1994, the license previously issued for such project
12 and to extend the time required for the commencement
13 of construction of such project until October 3, 1999.

14 **TITLE XI—PROJECTS IN THE STATE OF**
15 **PENNSYLVANIA**

16 **SEC. 1101. EXTENSION OF DEADLINE.**

17 Notwithstanding the time limitations of section 13 of
18 the Federal Power Act, the Federal Energy Regulatory
19 Commission, upon the request of the licensee for project
20 number 4474, is authorized, in accordance with the good
21 faith, due diligence, and public interest requirements of
22 section 13 and the Commission's procedures under such

1 section, to extend until April 15, 2001, the time required
2 for the licensee to commence construction of such project.

Passed the Senate October 5 (legislative day, September 12), 1994.

Attest:

Secretary.