The National Marine Fisheries Service and Energy Dominance

NOAA Could Play a Critical Role in Unleashing Reliable, Dispatchable Baseload Power Throughout Our Nation

NOAA Has a Large Role in Hydro Regulation

32 GW

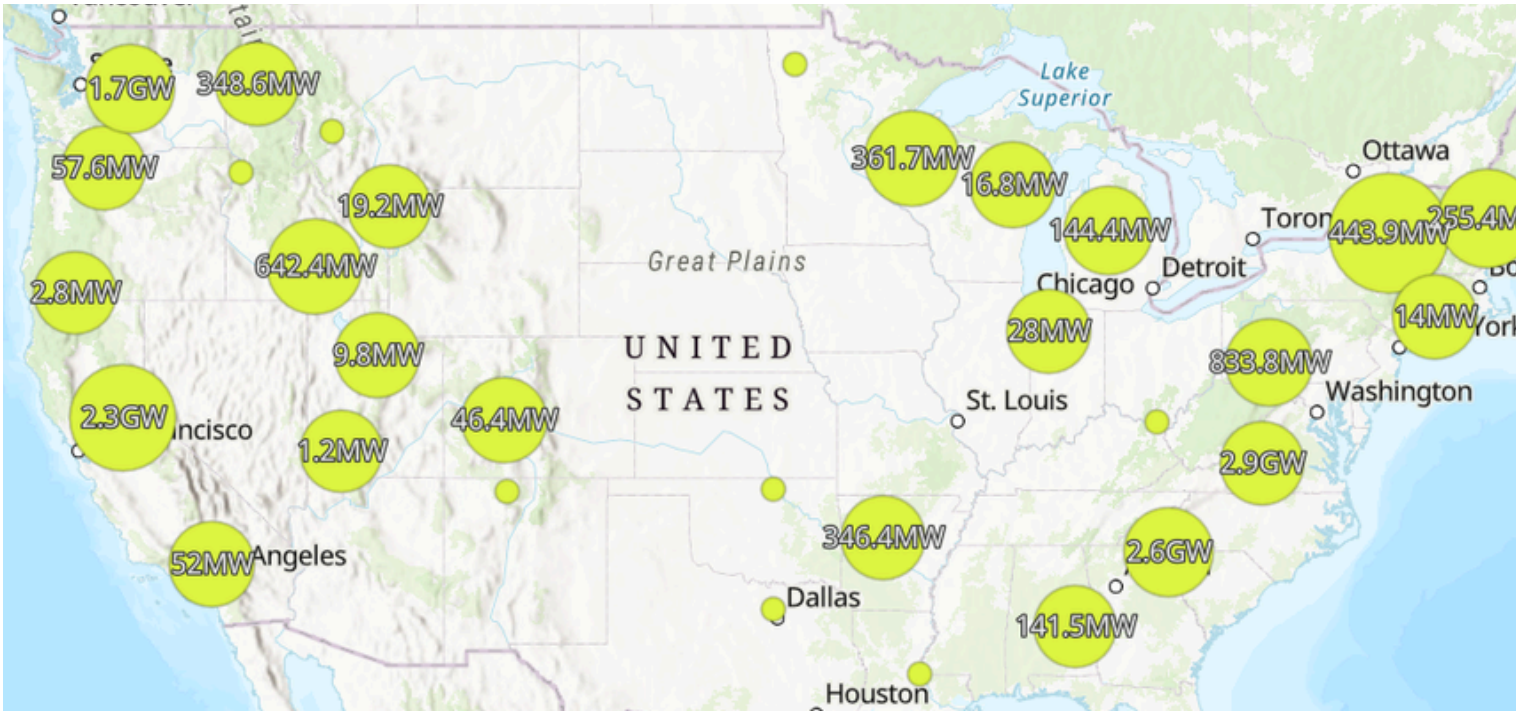
of non-federal hydropower capacity potentially subject to NMFS consultation

76%

of **FERC-licensed hydropower** is located in subbasins containing at least one **NMFS trust species**

ORNL Overview of Fish Passage Facilities at Hydropower Developments across the Conterminous United States

> "Of the FERC-licensed hydropower fleet with licenses expiring before 2035, **many will need fish passage,** and **two thirds are small facilities under 10 MW.**"



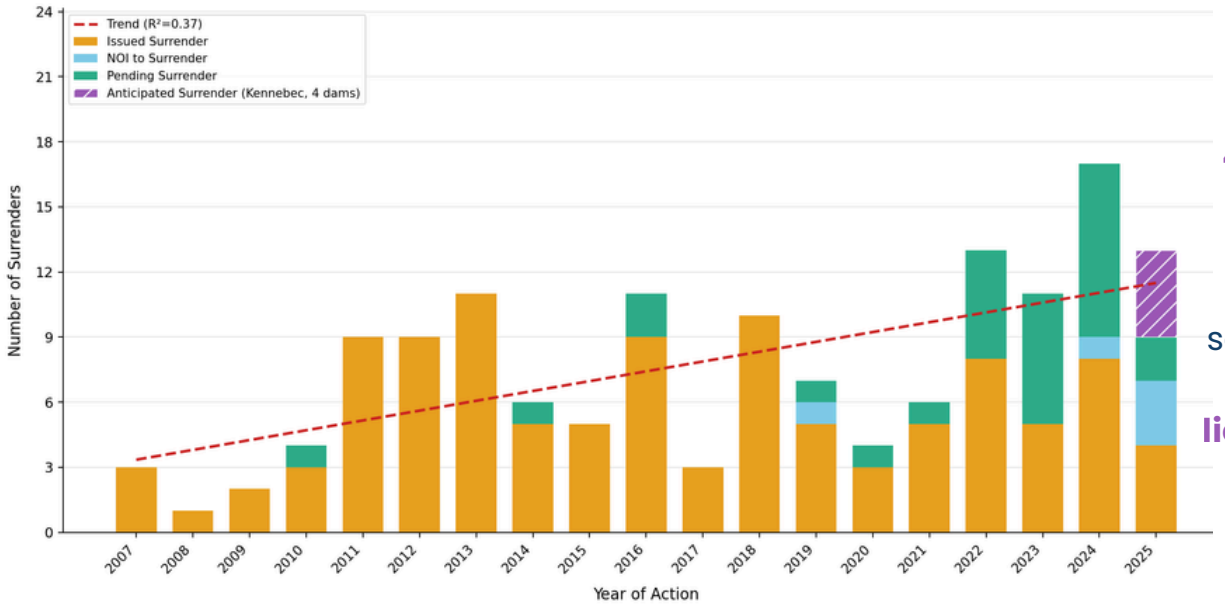
FERC-Licensed Hydropower by Capacity Expiring before 2035

National Hydropower Association

Fish Passage Costs are Driving License Surrenders

13.9 GW of the FERC hydropower licenses need renewal before 2035. Fishway prescriptions are costly and unpredictable, driving many small hydropower facilities to surrender.

LICENSE SURRENDERS ON THE RISE



In 2025, four **Kennebec River** facilities totaling **47 MW** — roughly **6.5%** of Maine's hydropower capacity — were sold to The Nature Conservancy for **license surrender**.

U.S. Hydropower Relicensing and License Surrender (ORNL, 2025)

2025 data as of June 9.

Of those pursuing surrender, **nearly half** have cited **economic infeasibility and cost** as the primary reason. License surrender **does not mean decommissioning is imminent.**

An Examination of the Hydropower Licensing and Federal Authorization Process (2021), ORNL, NREL

Fish Passage is Capital-Intensive

Projects with fishway prescriptions have **administrative** licensing and relicensing **costs** that are

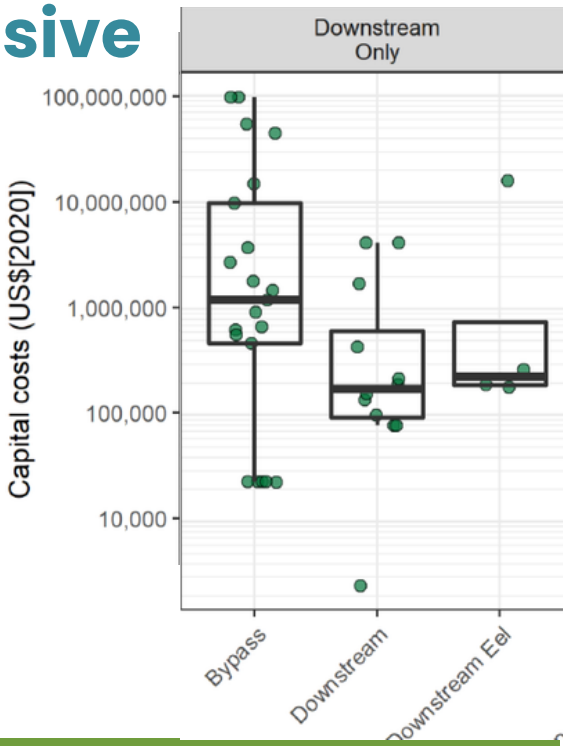
260% greater

than those without, and

projects with **overreaching** fishway prescriptions have **unpredictable capital expenses** from

$10,000–$100M

Cost of Fish Exclusion and Passage, ORNL (2023)



National Hydropower Association

Fishway Prescriptions:
Unchecked and Expanding in Scope

Section 18 fishway prescriptions have grown in number and expanded in scope, increasingly divorced from reasonable science and economics.

1. Barker's Mill 1.5 MW
(Maine, P-2808-017, EA, 2019)

NMFS required the construction, operation, and maintenance of upstream anadromous fish passage to pass **2 million fish annually,** with a cost of **$31.4M** over the life of the license, despite existing run sizes at **less than 1%** of that.

FERC staff **did not recommend,** finding that low run sizes and no suitable spawning habitat upstream meant that the **cost of the fishways was not justified.**

2. Penacook Upper Falls 3 MW
(New Hampshire, P-6689, EA, 2025)

NMFS required new **volitional upstream fish passage,** which requires the preservation of fish choice to pass, that would cost **$25.6M** over the life of the license.

FERC staff **did not recommend,** because anadromous fish **cannot currently reach** the project due to the existence of many **other dams downriver.**

3. Shawmut Kennebec 8.7 MW (Maine, P-2322, EIS, 2025)

NMFS required ongoing compliance with fish passage performance standards that had **not yet been developed** but were anticipated to be **80-97% effectiveness**.

To determine if these standards were realistic, NMFS also required the licensee to prepare **data collection and monitoring reports annually** for agency review, costing **$3.3 million** over the life of the license. FERC staff did not recommend some reports due to **cost benefit.**

If these standards found **statistically unlikely** after three years, **NMFS would then require additional measures** such as operational modifications, structural enhancements, new fishway entrances, or new fishways. **The costs are unknown.**

This facility and others on the Kennebec were ultimately sold to the Nature Conservancy for **decommissioning.** The alternative cost of power to replace this generation is **$4.3 million annually.**

NHA National Hydropower Association

National Hydropower Association

Hydropower is the Foundation of Energy Dominance

Hydropower is essential to the energy dominance agenda. Now, more than ever, the U.S. needs **reliable, affordable, and dispatchable** electricity

- **Unleashing American Energy** (EO 14154)
- **Declaring a National Energy Emergency** (EO 14156)

Problem

- Agencies impose prescriptions that **exceed** a project's **actual effects** or rest on **speculative assumptions.**

Solution

- Limit required prescriptions to those with a **clear, documented nexus** to the **direct effects** of the hydropower project

Therefore, the Secretary of Commerce should:

1. Issue a Secretarial Order requiring that all fishway prescriptions be directly related to current project effects and reasonably balanced against economic impacts.

2. Urge FERC to codify a lawful definition of fishway.

NHA National Hydropower Association

National Hydropower Association