



FERC Requests Information on Streamlining Post-Licensing Hydropower Approvals and Issuance of a Blanket Rule for Post-Licensing Amendments

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On November 20, 2025, the Federal Energy Regulatory Commission (FERC) issued a [Notice of Inquiry](#) (NOI) seeking stakeholder input on how it could streamline approval for post-licensing activities at hydropower projects, including whether it should establish blanket authorizations for post-licensing activities that currently require a license amendment. Comments are due January 26, 2026.

Background

FERC issues licenses for the construction, operation, and maintenance of non-Federal hydroelectric projects pursuant to section 4(e) of the Federal Power Act. FERC hydroelectric licenses are typically issued for a duration of 30 to 50 years in order to provide a certain level of regulatory certainty to operators of these projects, which require significant capital investments to construct and maintain. Given the long duration of a license term, hydroelectric operators often need to modify portions of the project works or operational requirements prior to relicensing. However, the Federal Power Act requires that any project modifications that are “substantial” or “significant” first receive authorization from FERC.

FERC’s existing regulations require hydropower operators to apply for a license amendment to make certain changes to the physical features of the project or to make a change to the plans for the project under the license. These license amendments may either be a “capacity” or “non-capacity” amendment, depending on whether the power generating potential of the project is affected. Additional minor changes to the project may be authorized under the terms of the individual hydropower license without requiring a license amendment, but often still require review and approval by FERC staff before implementation.

FERC and stakeholders have identified that the process for authorizing post-licensing activities for the maintenance, repair, and improvement of hydropower projects is often time consuming and unclear. FERC explained that it is processing a significant number of non-capacity amendments from hydropower operators who are seeking to modify or improve their operations, but who cannot accomplish these changes without first receiving Commission approval.

Summary of the NOI

The NOI seeks input from stakeholders on how the approval process for minor post-licensing activities at hydropower projects could be streamlined and improved, including whether certain activities can be implemented without case-specific authorization, i.e., through blanket authorizations.

The NOI requests input on the following broad categories of activities:

- A. Minor Post-Licensing Activities. FERC requests information on how it could streamline approval for minor post-licensing activities that do not require a license amendment, including feedback on the scope of activities addressed, the process that should be used, and documentation that should be required.
- B. Post-Licensing Activities Requiring Amendments. FERC requests information on whether it should implement a blanket authorization for post-licensing activities at hydropower projects that currently require a license amendment. FERC further requests input on how such a blanket authorization should be structured and implemented and what specific post-licensing activities would fit within the blanket authorization.

Implications

A blanket approval process for post-licensing activities at hydropower projects would significantly enhance the ability of hydropower operators to maintain and improve infrastructure projects in a timely and responsive manner. Streamlining the post-licensing approval process could lead to significant cost savings for hydropower operators, as the effort involved in preparing and submitting post-licensing applications for minor modifications is significant. The Commission has identified the increasing number of non-capacity amendment applications for minor modifications as an obstacle to the goal of maintaining and enhancing the Nation's hydropower infrastructure. The NOI demonstrates that FERC is willing to find solutions to this roadblock by investigating more efficient approval processes. Hydropower operators would benefit from providing detailed feedback to FERC on the challenges posed by the current process and tailored advice on how it may be improved within the framework proposed by the Commission.

For More Information

Van Ness Feldman closely monitors and counsel clients on FERC-related issues. If you would like more information, please contact the authors or any member of VNF's hydropower practice.

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