

**CONTACT**

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**PRACTICE AREAS**

Electric  
Endangered Species  
Hydropower  
NEPA & State Equivalents  
Water Resources

**EDUCATION**

George Washington University  
School of Law  
University of Toronto  
University of Michigan

**BAR AND COURT ADMISSIONS**

District of Columbia Bar  
U.S. Court of Appeals for the  
District of Columbia Circuit  
U.S. Court of Appeals for the  
Ninth Circuit

**JOHN H. CLEMENTS**  
OF COUNSEL



**Professional Background**

John Clements counsels and represents the firm's clients before administrative agencies and the courts in matters pertaining principally to regulation of hydroelectric projects under the Federal Power Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and National Environmental Policy Act. John is currently involved in major hydroelectric relicensing proceedings before the Federal Energy Regulatory Commission (FERC), as well as development of new projects, and license implementation and compliance. John is a regular panelist at conferences and seminars concerning the hydropower industry.

Prior to joining the firm, John had a distinguished career at FERC. He served as the Office Director and in other senior executive positions in the Office of Hydropower Licensing during an unprecedented wave of over 200 relicensing proceedings. He also served as the legal and policy advisor on wholesale electric power sales and transmission regulation and on hydroelectric matters for three FERC Chairmen. In addition, he has served as advisory and trial counsel for FERC in electric, natural gas pipeline certification, and hydroelectric proceedings. In the latter capacity, John wrote FERC Order No. 2002 and the associated 18 CFR part 5 regulations which established FERC's Integrated Licensing Process.

**Representative Experience**

- Advising FirstLight Hydro Generating Company on compliance with relicensing and land and water use requirements, including license amendments and non-project uses of project lands, for several FERC-licensed projects in New England.
- Advising the proposed license transferee on FERC regulatory and federal court litigation strategy in a hotly contested license transfer application for major hydroelectric project in the Southeast.
- Successfully representing the appellant in an appeal to the District of Columbia Circuit Court of Appeals of FERC orders regarding the municipal preference provisions of the Federal Power Act.
- Counseling the California Department of Water Resources (CDWR) on compliance matters relating to its 1,406 MW California Aqueduct and 762 MW Oroville Facilities Projects, both of which have conventional and pumped storage developments, and in federal court of appeals litigation of complaint regarding license compliance.
- Providing CDWR with strategic and procedural advice regarding conversion of licensed facility developments to exempted facilities.
- Advising the Utah Board of Water Resources and Washington County Water Conservancy District on federal permitting by FERC and Department of the Interior land managing agencies and Bureau of Indian Affairs of a major new combined water supply pipeline and hydroelectric power project.
- Providing the San Diego County Water Authority with strategic and procedural advice on preliminary permitting and license application development for a proposed major new pumped storage project.
- Advising several licensees regarding compliance with FERC dam and project safety and Critical Energy Infrastructure Information.
- Reviewing applications and providing strategic advice on many preliminary permit matters, including competitive application proceedings.
- Providing strategic and procedural counsel regarding applications to surrender licenses and exemptions.

## Government Service

### Federal Energy Regulatory Commission

Senior Attorney, Energy Projects, 1997-2006

Office of Hydropower Licensing

- Director, 1996-1997

- Director, Division of Project Review, 1994-1996

- Deputy Director, 1990-1994

Legal and Policy Advisor

- to Chairman Martin Allday, 1989-1990

- to Chair Martha Hesse, 1989

- to Chairman Anthony Sousa, 1986-1988

Trial and Advisory Attorney

- Electric Rates, 1982-1986

- Natural Gas Pipeline Certificates, 1980-1982

## Articles and Presentations

- Presenter, "License Surrender Basics" - National Hydropower Association 2017 Midwest Regional Meeting, Des Moines IA, 08/28/2017
- [Pumped Storage: 5 Misperceptions about Licensing](#), International Water Power & Dam Construction, pp. 14-17, 06/01/2017
- Panelist, "Preparing for Relicensing" - Midwest Hydro Users Group 2017 Spring Meeting, Midwest Hydro Users Group, Wausau WI, 05/18/2017
- Presenter, "Jurisdiction Changes - Who's Responsible for What in the U.S.?" - HydroVision International 2016, Minneapolis MN, 07/26/2016
- [Revised Rules for Trial-Type Hearings: Room for Improvement](#), Hydro Review, pp. 8-18, 04/01/2016
- [A Benefit to Industry?](#), International Water Power & Dam Construction, pp. 12-13, 03/01/2016
- Panelist, "Introduction to Relicensing" - 2015 Fall Midwest Hydro Users Group Meeting, Wausau WI, 10/28/2015
- [Preparing for the Future - An Indepth Look at the Issues Facing U.S. Hydroelectric Licensing](#), International Water Power & Dam Construction, pp. 34, 06/01/2015
- Panelist, "Making the FERC Hydro Process Work for Public Power" - APPA's Legal Seminar, American Public Power Association, San Antonio TX, 10/19/2014
- Panel Moderator, "Novel Approaches in the Age of Diminishing Resources" - HydroVision International 2013, Denver CO, 08/25/2013
- Panelist, "FERC Licensing Roundtable" - National Hydropower Association 2012 Alaska Regional Meeting, Sitka AK, 08/21/2012
- Panel Moderator, "Making Sure Your FERC License Yields the Desired Results" - HydroVision International 2011, Sacramento CA, 07/20/2011
- "FERC Hydroelectric Licensing Compliance 101" - HydroVision 2008, Sacramento CA, 07/14/2008
- "Hydroelectric Licensing Developments" - APPA Annual Legal Seminar 2007, American Public Power Association, Seattle WA, 10/17/2007

## Alerts

- Congress Establishes Federal Permitting Reforms for Major Infrastructure Projects, 01/06/2016
- D.C. Circuit Overrules FERC's Effort to Narrow Section 7 Municipal Preference, 11/23/2015
- Federal Agencies Issue Revised Interim Final Rules for Trial-Type Hearings; Seek Comments,

04/01/2015

- Clearer Picture Emerging on Proposed Rule Redefining Jurisdictional Waters of the United States, 12/23/2013
- FERC Limits Hydro Municipal Preference to Projects in Vicinity of Municipality, 12/20/2013