

U.S. Fish and Wildlife Service

Conservation Planning Assistance

Examples of Hydroelectric Settlement Agreements in New York

Hydro Projects on the Oswegatchie River

Three projects located on the Oswegatchie River received new 40-year licenses in 2012. Settlements were reached with licensees Brookfield Renewable Power (6-development Oswegatchie River Project), Hampshire Paper (Emeryville Project), and Dunn Paper (Natural Dam Project). Each of the eight developments relicensed incorporates fish protection, and downstream fish passage facilities are incorporated at each site wherever they are feasible. Nature-like fishways were constructed at the Eel Weir and Heuvelton developments in 2015 and 2018, respectively, as part of the Oswegatchie River Project settlement. Base flows have been provided where needed, and all bypassed reaches are receiving adequate flows. Impoundment fluctuations have been reduced and trout stocking has taken place at the Browns Falls development. Recreational access has been provided at each development.



Nature-like fishway at the Eel Weir development (during construction and after)

St. Lawrence-FDR Power Project

The St. Lawrence-FDR Power Project is the second largest project in New York relicensed to date (912 MW). The major issues were a drastic decline in the population of American eels, water level fluctuations, fish entrainment, and lost spawning habitat for lake sturgeon and walleye during the original project construction in the 1950s. A settlement was reached between stakeholders in 2003, and the 50-year license was issued in 2007. The Service recommended an innovative mitigation approach consisting of a series of major Habitat Improvement Projects (HIPs). Eleven HIPs were developed to benefit a variety of fish and wildlife species including common terns, Blanding's turtles, osprey, bank swallows, muskellunge, northern pike, lake sturgeon, and walleye. The license also includes funding for future, unspecified HIPs, improvements to the Wilson Hill Wildlife Management Area, and a research and education fund. The Service also recommended and successfully negotiated another major fund entitled the Fish Enhancement, Mitigation, and Research Fund (FEMRF). This \$24 million fund was designed to provide funding for aquatic and fisheries research and mitigation and enhancement projects as well as for research on passage for American eel and other species. The New York Power Authority also constructed a state-of-the-art ladder for upstream passage of American eel.



St. Lawrence-FDR Power Project, photo courtesy of New York Power Authority

Niagara Power Project

This is the largest FERC-regulated hydroelectric project in the country and ranks second to the Grand Coulee Dam in hydroelectric energy production in the U.S. This 2,755-MW project is located near one of the Seven Wonders of the World, Niagara Falls. A settlement was reached in 2005 among many governmental agencies and local citizens' groups. The template developed during the St. Lawrence-FDR relicensing was used at Niagara to facilitate negotiations. Relicensing was completed in 2007. The license includes a series of Habitat Improvement Projects (HIPs) for fish habitat, osprey nesting, common tern nesting, and wetland restoration. It also includes a multimillion-dollar fund for future HIPs and a multimillion-dollar fund dedicated to ecological projects as part of the Niagara Greenway Commission. The Service serves on two committees that disperse these funds. Among the projects funded to date have been:

1. Niagara River Riparian Restoration Program (Buffalo Niagara Riverkeeper)
2. Study: Muskellunge Genetic Structure, Reproductive Ecology, and Interaction with Fish Community (SUNY College of Environmental Science and Forestry)
3. Ecological Enhancement, Wetland Restoration, and Aquatic Habitat Restoration Project (Tuscarora Nation)
4. Study: Investigating Lake Sturgeon Habitat Use, Feeding Ecology and Benthic Resource Availability in the Lower Niagara River (SUNY Buffalo State College)
5. Land Acquisition of the Assumption Forest Preserve (Western New York Land Conservancy)
6. Vernal Pool Enhancement at Tifft Nature Preserve (Buffalo Museum of Science)



Niagara Power Project, photo courtesy of New York Power Authority