

THE HYDROPOWER IMPROVEMENT ACT OF 2013

Section 1: Sets forth the Act's short title and provides a table of contents.

Section 2: Sets forth findings on the tremendous untapped potential of hydropower resources, including its ability to increase the nation's clean energy generation.

Section 3: Provides the Act's definitions.

Section 4: Sets forth a Sense of the Senate that the United States should increase substantially the capacity and generation of clean, renewable hydropower which will improve environmental quality and support local job creation.

Section 5: Directs the Federal Energy Regulatory Commission (FERC or Commission) to explore a potential two-year licensing process for hydropower development at existing non-powered dams and closed-loop pumped storage projects.

Section 6: Establishes a process for FERC to consider "qualifying conduit hydropower facilities." Such qualifying projects must: (1) use a non-Federally owned conduit; (2) have an installed capacity of 5 mw or less; and (3) be without a current FERC license or exemption. Any entity proposing to construct a qualifying conduit hydropower facility must file a Notice of Intent with the Commission that contains sufficient information to demonstrate that the facility meets the qualifying criteria. If FERC makes an initial determination that the proposed project meets the criteria, the Commission shall publish a public notice of the Notice of Intent to construct the project. Interested parties then have 45 days to weigh in on the proposal and if the Commission receives no objections the project is deemed to meet the criteria. If, however, an entity contests the project's qualifying criteria, FERC must issue a prompt written determination on the proposed project's qualifications. The section also retains the "exemption" process for other conduit projects that are 40 mw or less but raises the non-municipal limit from 15 to 40 mw.

Section 7: Increases the rated capacity for small hydro projects from 5 to 10 mw.

Section 8: Provides FERC with the authority to extend its three-year preliminary permit terms for up to two additional years in order to allow a permittee sufficient time to develop and file a license application.

Section 9: Directs the Secretary of Energy to conduct a study of the technical flexibility and grid reliability benefits that pumped storage facilities can provide to support intermittent renewable energy. The Energy Secretary is also directed to study the range of opportunities for conduit hydropower potential.

Section 10: Directs the Department of Energy, the Department of the Interior, and the Corps of Engineers to report to Congress on the actions taken by the federal agencies to implement their March 24, 2010 Memorandum of Understanding on federal hydropower development efforts.