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November 18, 2022

FERC Approves License Surrender for the Lower Klamath Project



The Federal Energy Regulatory Commission issued an order on November 17, 2022, approving the surrender of the FERC license for the Lower Klamath Project. This order authorizes the decommissioning and removal of four hydroelectric dams on the Klamath River. The project will result in the reopening and restoration of hundreds of miles of free-flowing river and streams from southern Oregon through northern California. Dam decommissioning will improve the habitat and health of fisheries by allowing salmon, steelhead, and lamprey access to over 400 stream miles of historic spawning habitat upstream of the dams. Restoration of the river also benefits Native American tribes in the Klamath Basin that have long depended on fisheries for their livelihood, health, and cultural practices. This is the largest dam removal project ever undertaken anywhere in the world.

This order implements a multiparty settlement resolving long-standing, complex, and intractable conflicts over resources in the Klamath Basin. The project proponent is the Klamath River Renewal Corporation (the Renewal Corporation). FERC approval was critical, but authorizations under the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act, among other authorities, were also required in order for dam removal to proceed.

In its unanimous approval of the order, FERC Chairman Glick and Commissioners Clements and Phillips described this decision as "historic," "momentous," and a "long time coming." This case establishes a new precedent for public and private stakeholders to transfer ownership to a dam removal entity, and to secure approval of a decommissioning plan that best serves the public interest. This precedent will be relied upon and replicated for years to come. Many dams across the country no longer serve the purpose for which they were built, and more than 200 dam removals are predicted to occur over the next 10 years. The Perkins Coie team is well positioned to be an industry leader in this important work.

Authors

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