

# Section 24 of the Federal Power Act



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# The Federal Govt and Waterpower

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- Since the first designation in 1888, Congress has set aside lands for both water supply and waterpower production.
- Title I of the Federal Power Act (FPA) outlines hydroelectric licensing for the United States.
- At the end of the FPA, Section 24, discusses how to handle applications and licenses.

# Section 24 of Federal Power Act

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- ❑ The only authority that creates a withdrawal upon application.
  - ❑ FERC has authority over waterpower values.
  - ❑ Land Management Agencies do not have a say when an application is filed.
  - ❑ BLM, being the U.S. land recorder, is responsible for keeping track of such realty actions.
  - ❑ Important to make comments when solicited.
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# Filing an Application under Section 24

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Federal Energy  
Regulatory Commission  
(FERC)

Land Management  
Agency

- Upon filing of the application, lands are withdrawn from surface entry (See Handout Green Power, Inc.)

# Issuance of Preliminary Permit

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After a few months, FERC issues a preliminary permit

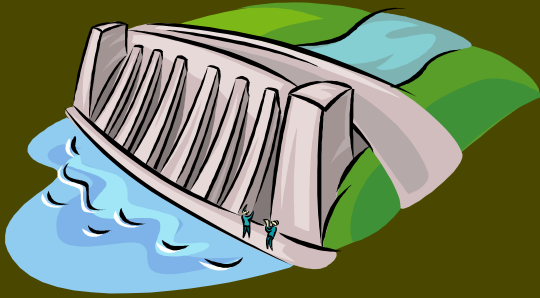
Once issued the preliminary permit closes the lands to the mining laws

The preliminary permit allows the applicant to study the potential project to see if it is economically feasible (Given three years)



# Issuance of Preliminary Permit

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Upon Application:  
*Closed to Surface Entry*

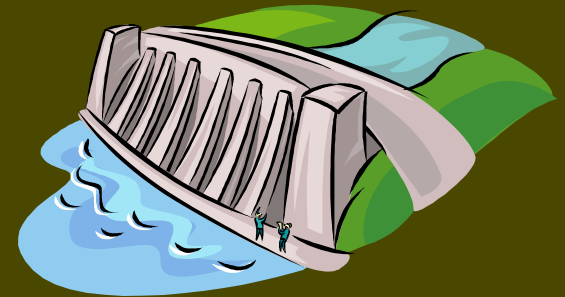


Issuance of Preliminary Permit:  
*Closed to Mineral Entry*



# Issuance of Licenses

Upon Application:  
Closed to Surface and Mineral Entry



Be aware! Boundaries change many times throughout process.

# Expiration of Preliminary Permits and Licenses

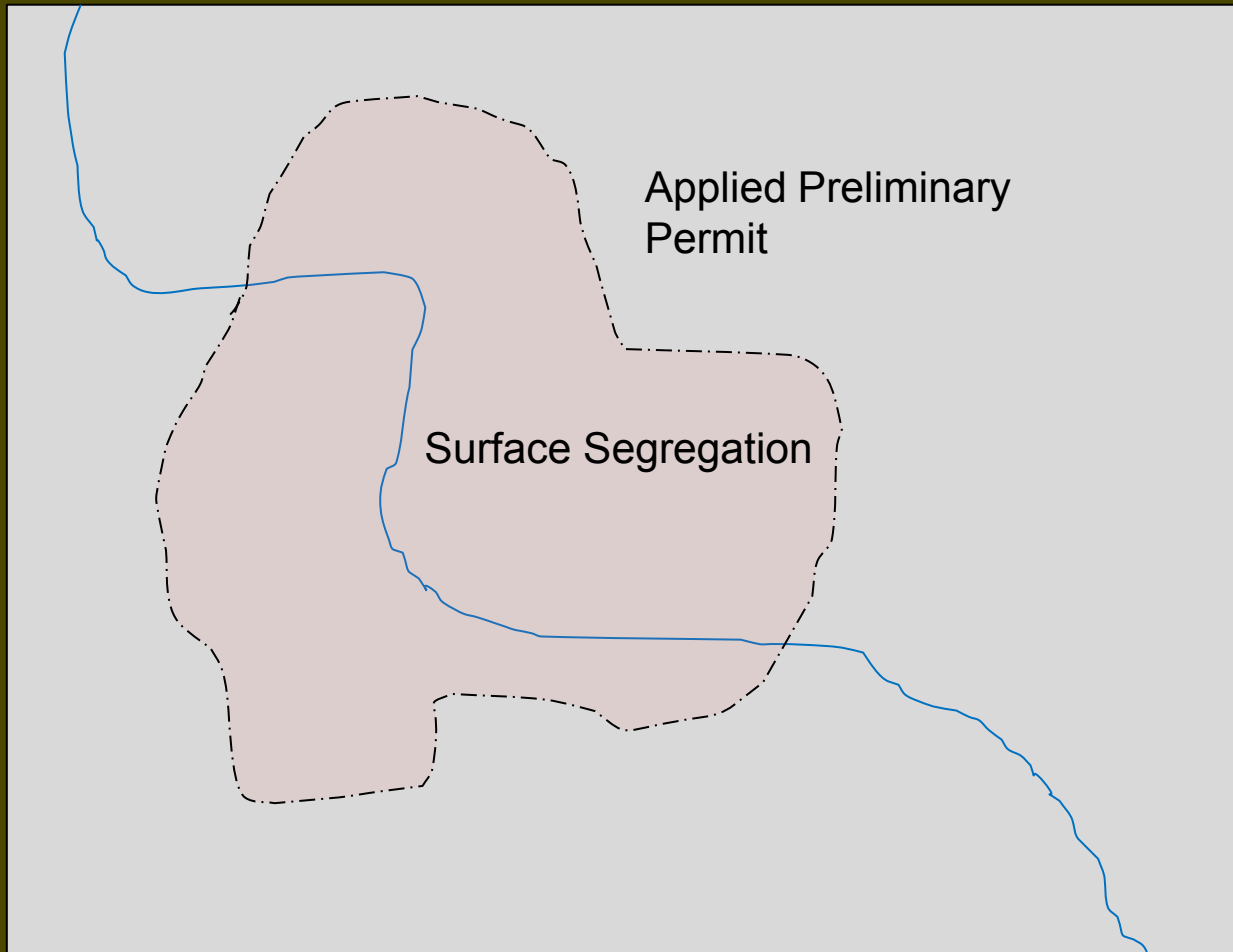
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- ❑ Upon surrender, termination, or expiration of a preliminary permit mineral segregation ends.
  - ❑ FERC needs to segregate surface segregation.
  - ❑ Land management agencies needs to track withdrawals created by preliminary permits or licenses.
  - ❑ When licenses or permits go away, land management agencies need to ensure that FERC has vacated the lands.
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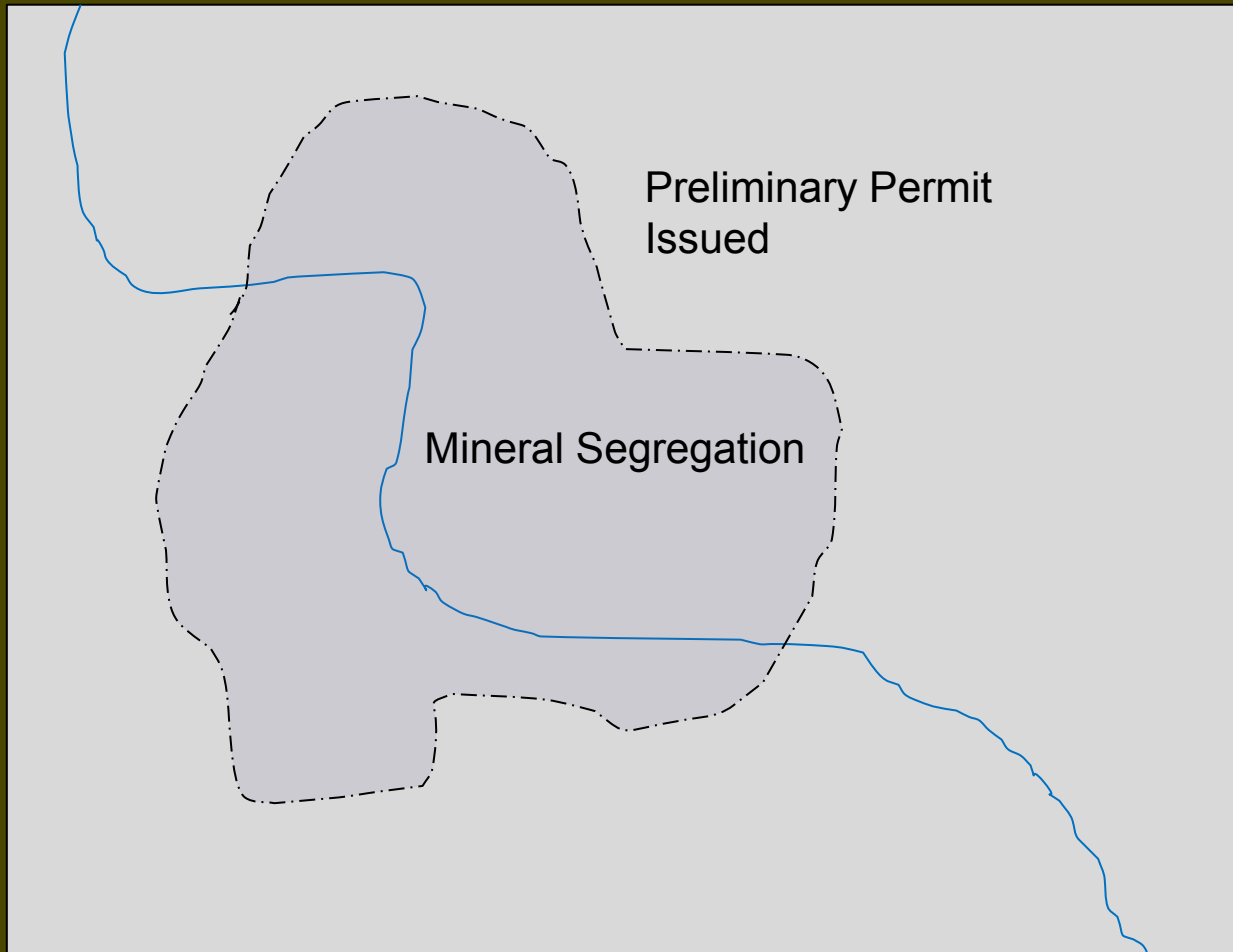
# Review

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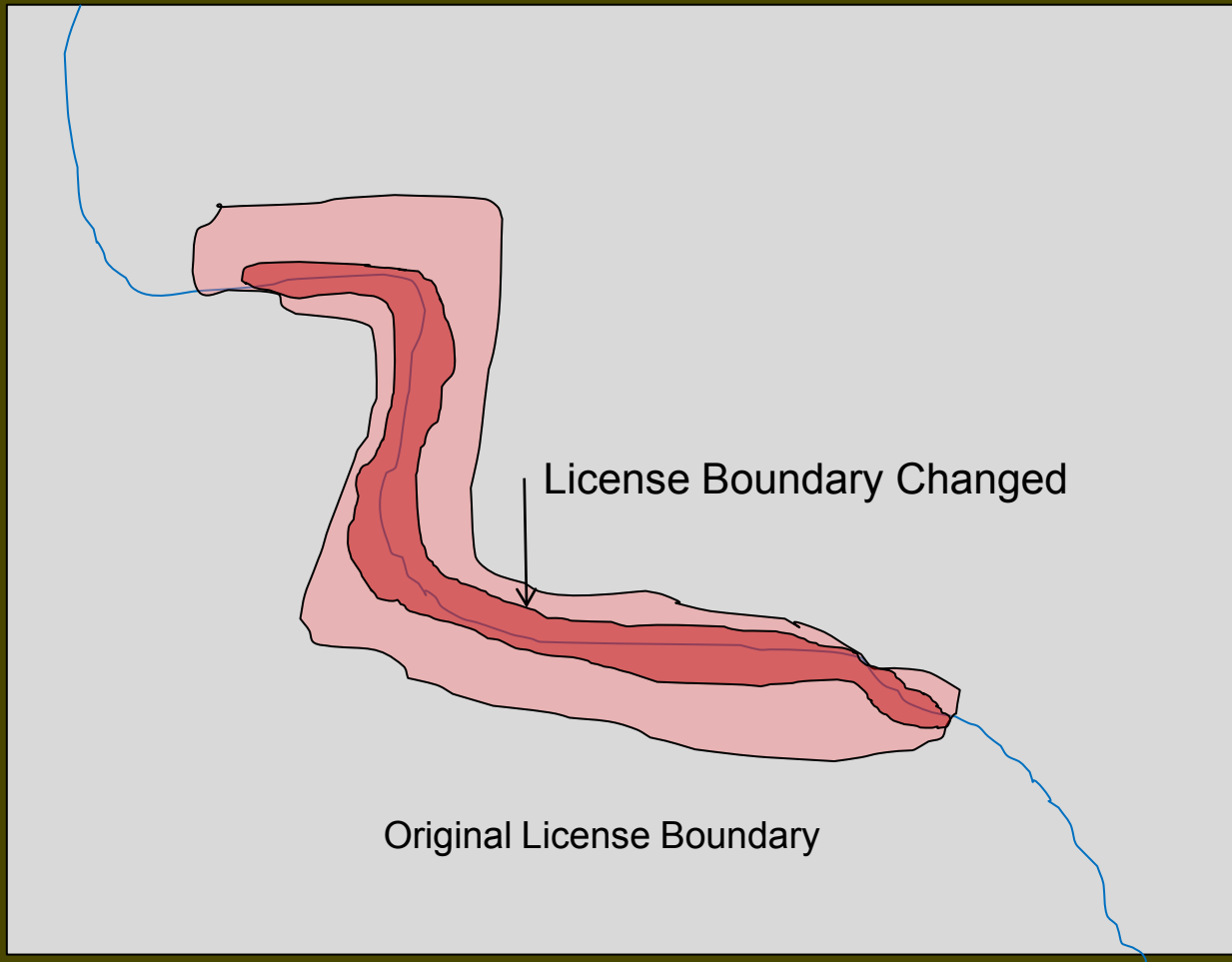
# Review

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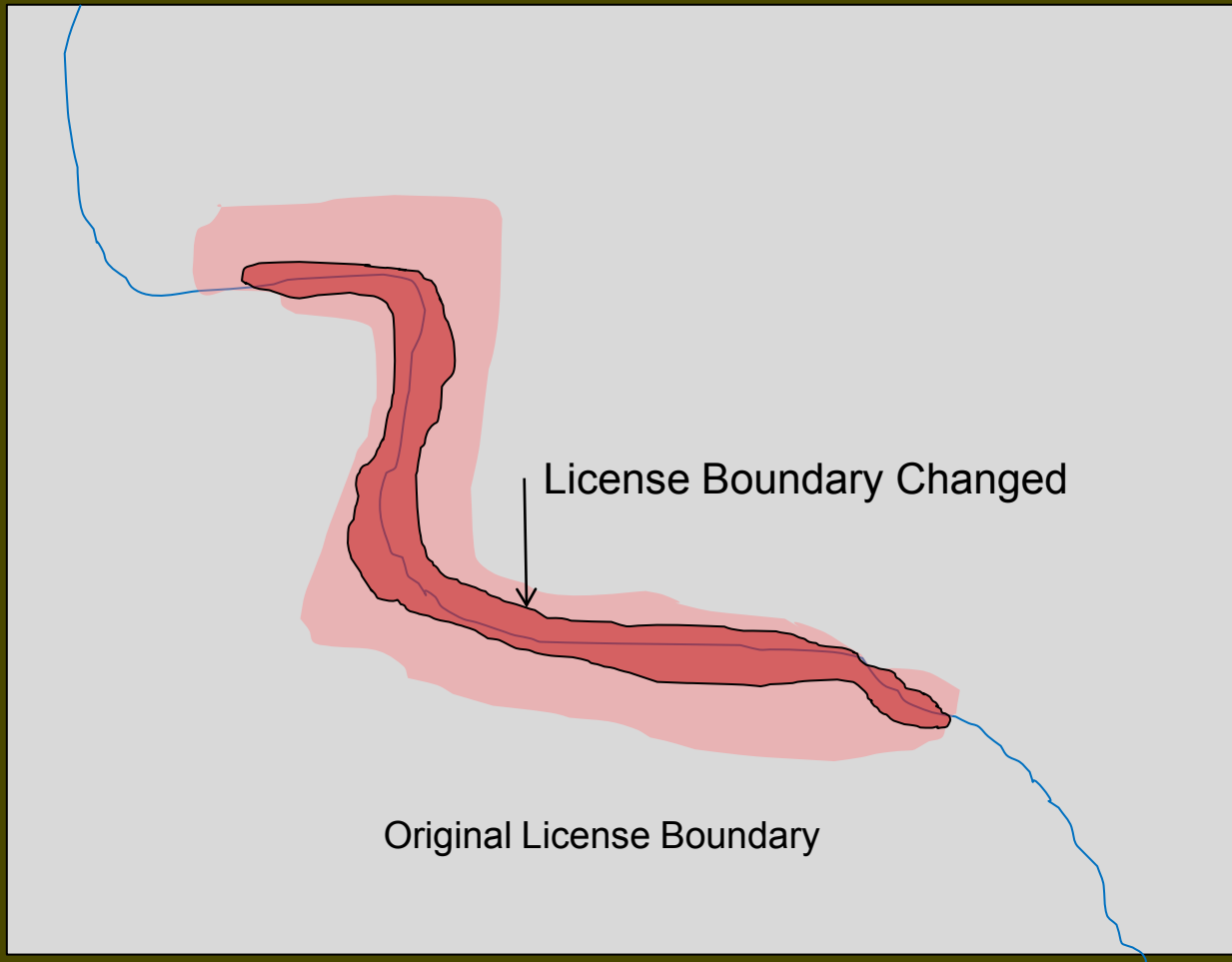
# Review

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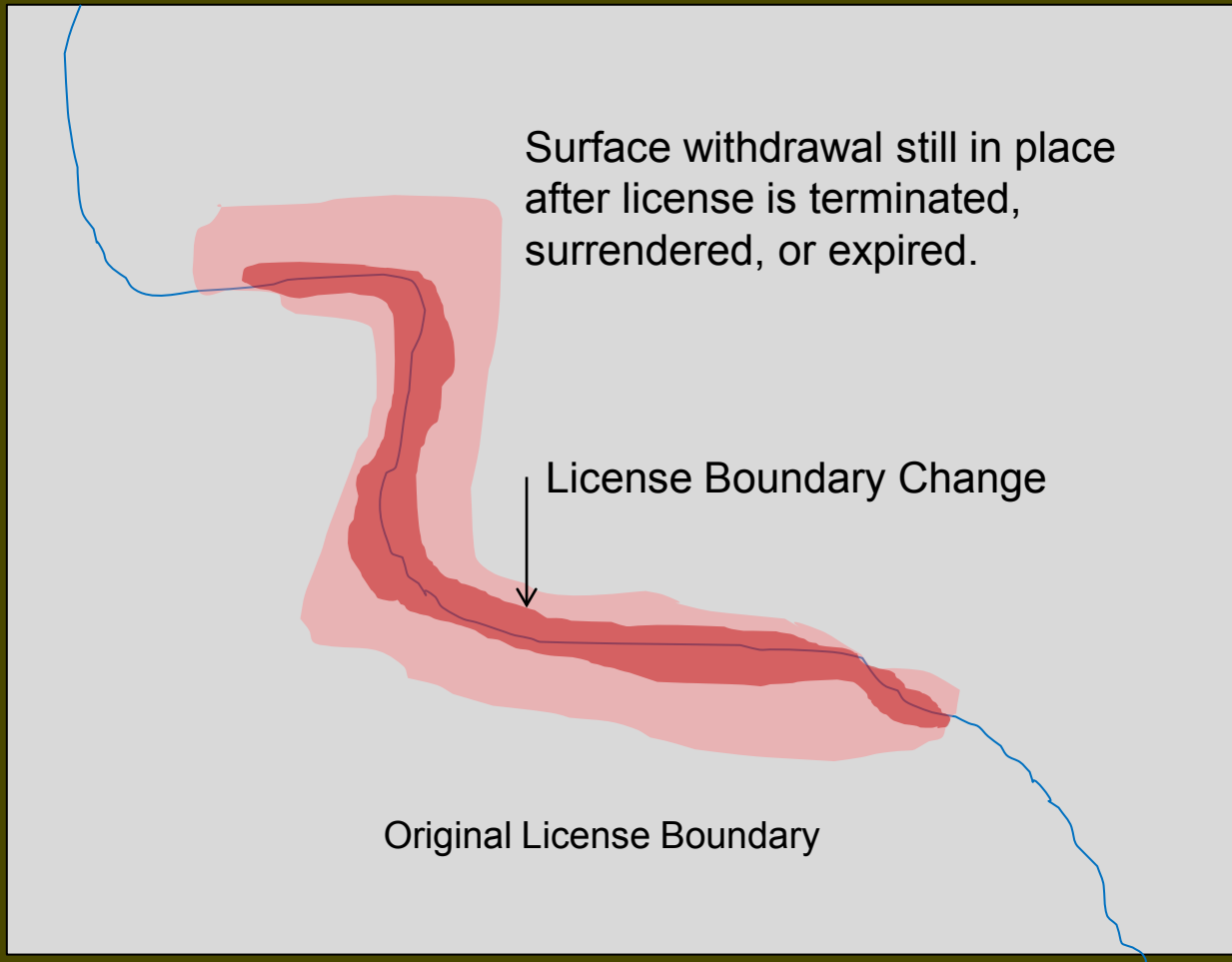
# Review

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# Review

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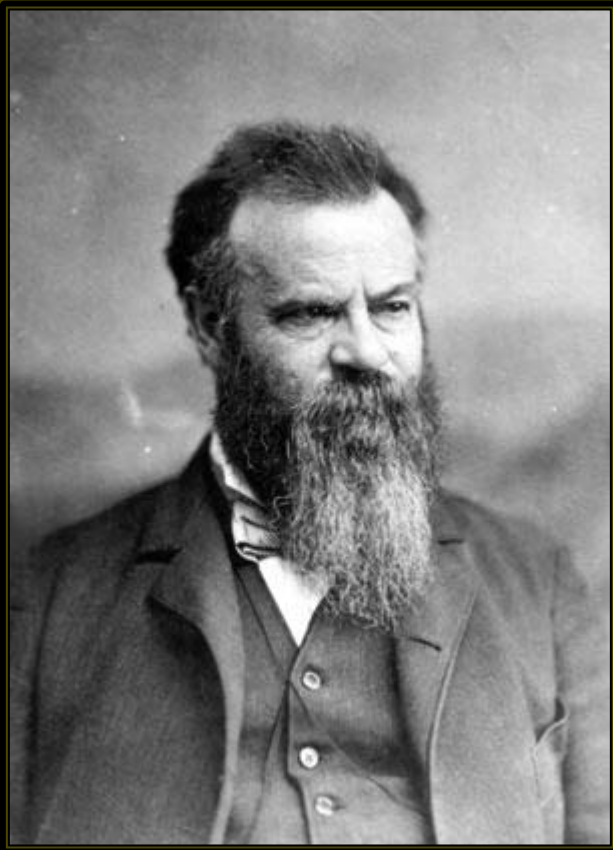
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# Questions

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# Withdrawal Authorities

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(See Handout)

John Wesley Powell, circa 1874.  
Second Director of USGS from 1881 to 1894.

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# Roles and Responsibilities

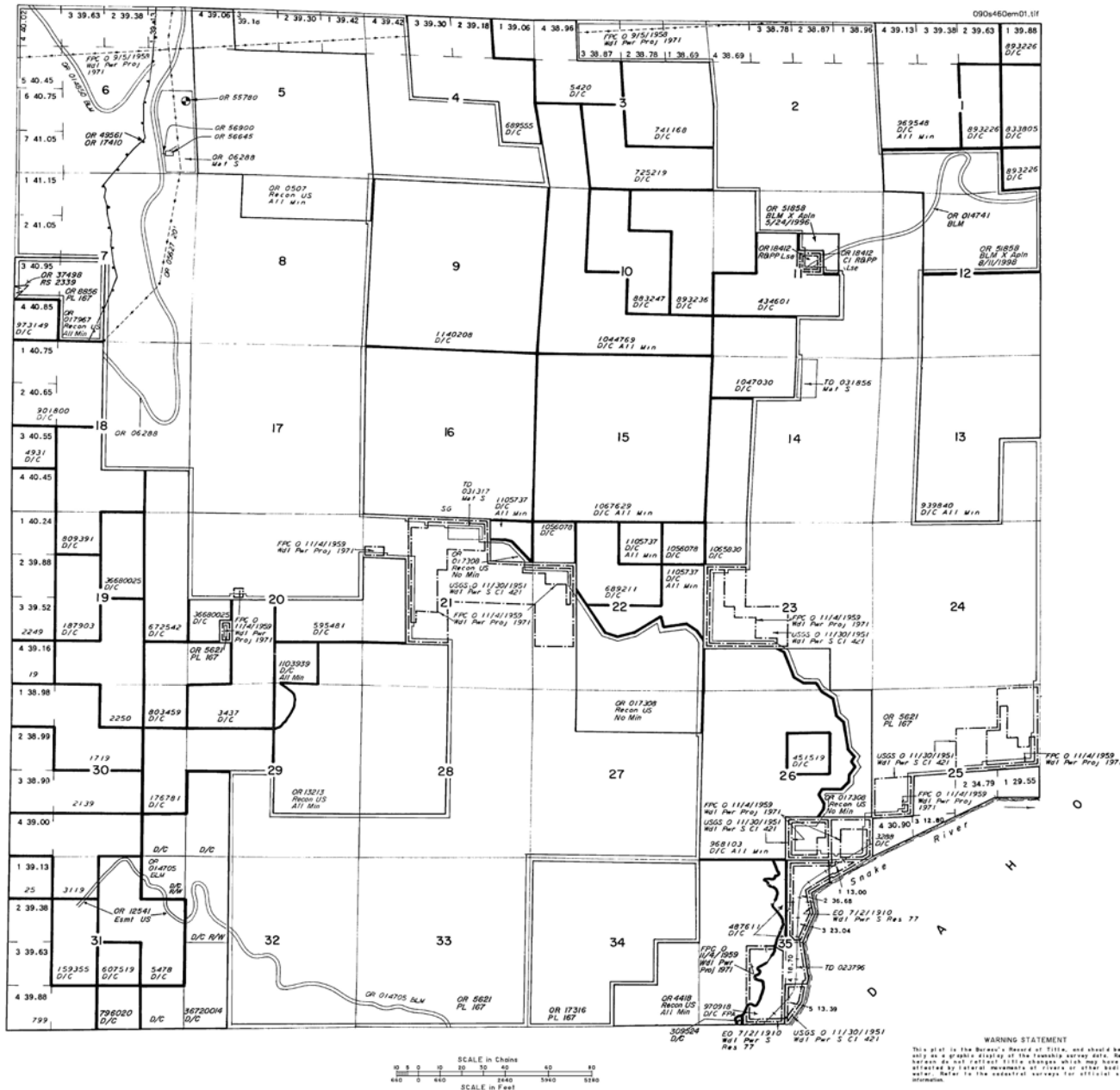
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- ❑ The Federal Energy Regulatory Commission (FERC) is responsible for the waterpower values on all Federal Lands
  - ❑ Secretary of Agriculture and Interior are responsible for all other resource values within the withdrawal.
  - ❑ The BLM is responsible for evaluating and making recommendations on the waterpower values.
  - ❑ The Secretary of the Interior is responsible for “restoring” parcel to the public land laws.
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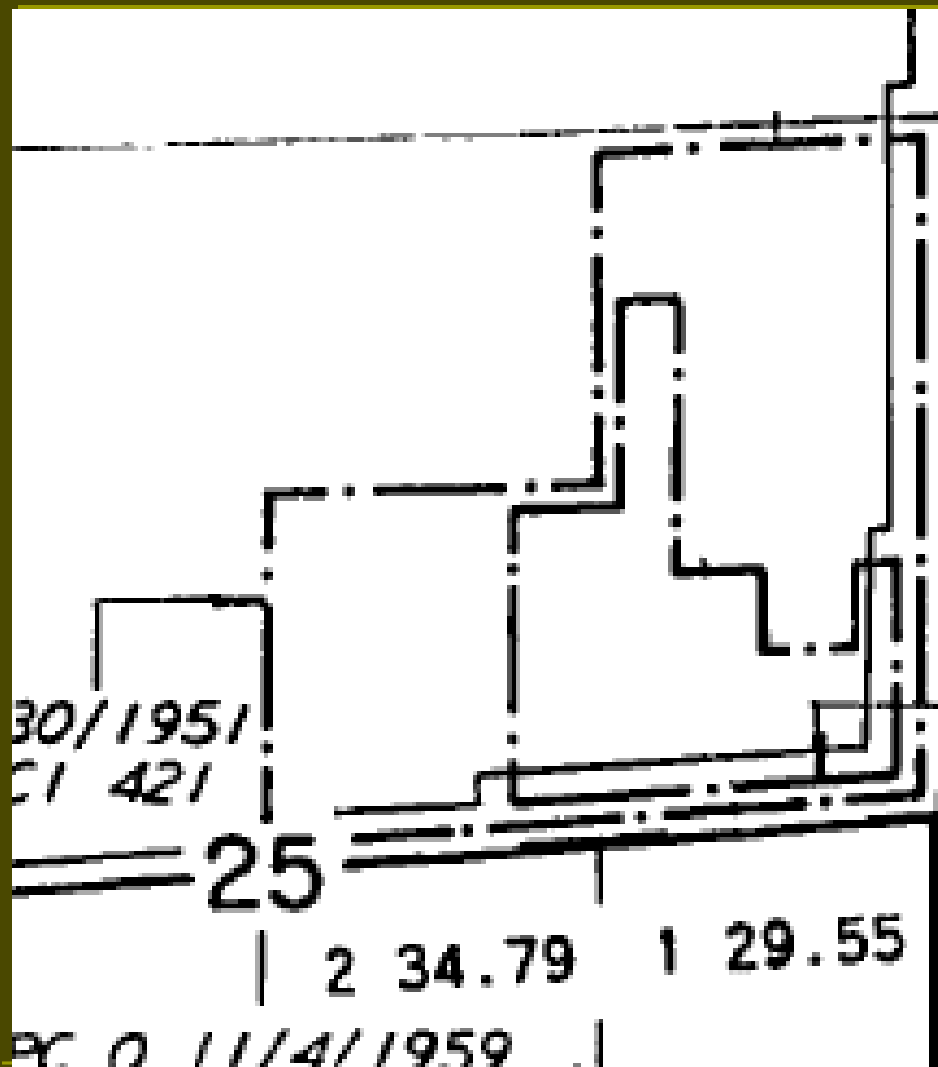


## BAKER COUNTY

T 9 S  
R 46 E



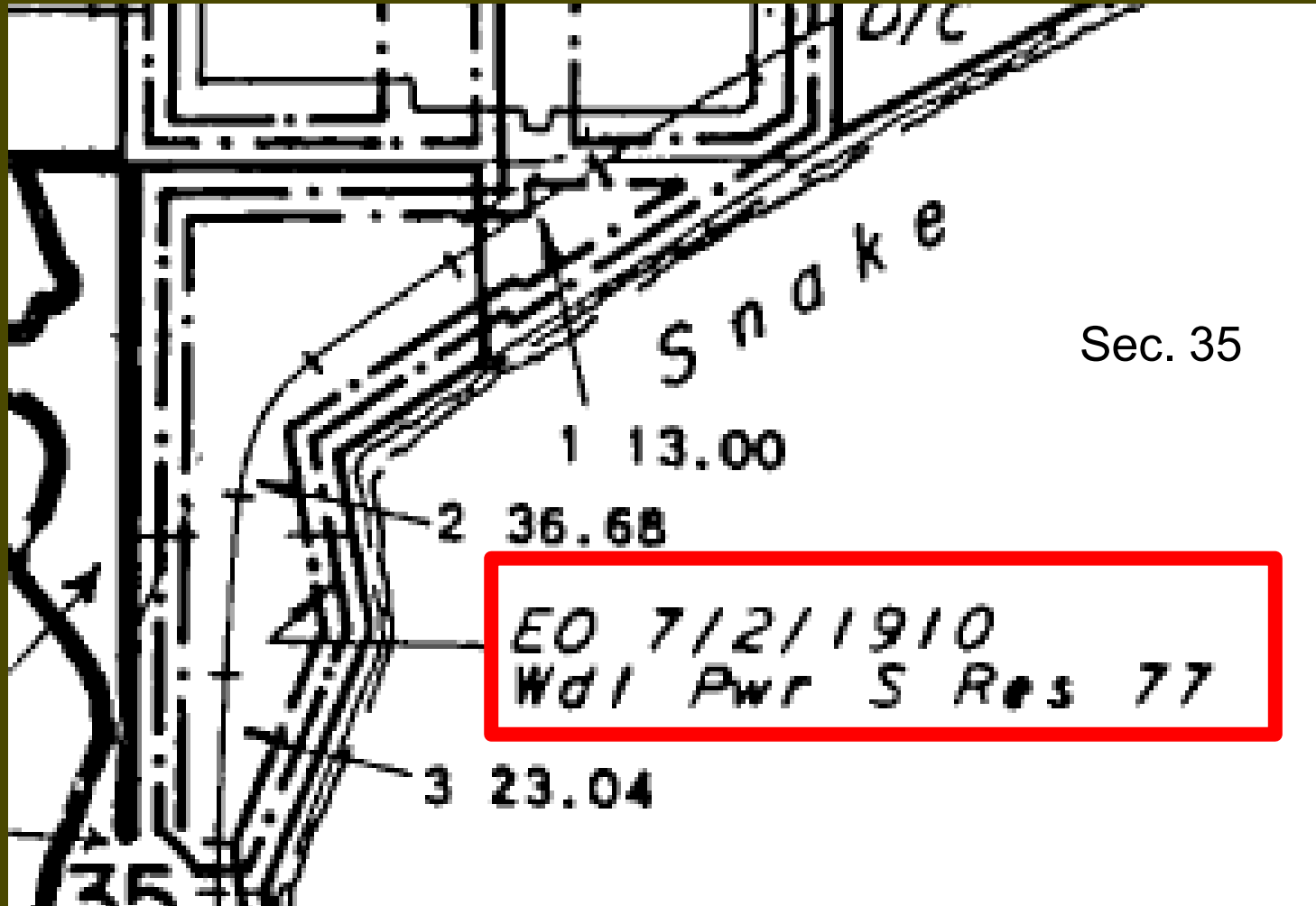
# FERC Power Withdrawal



Note: "1971" Refers to Project # and not year.

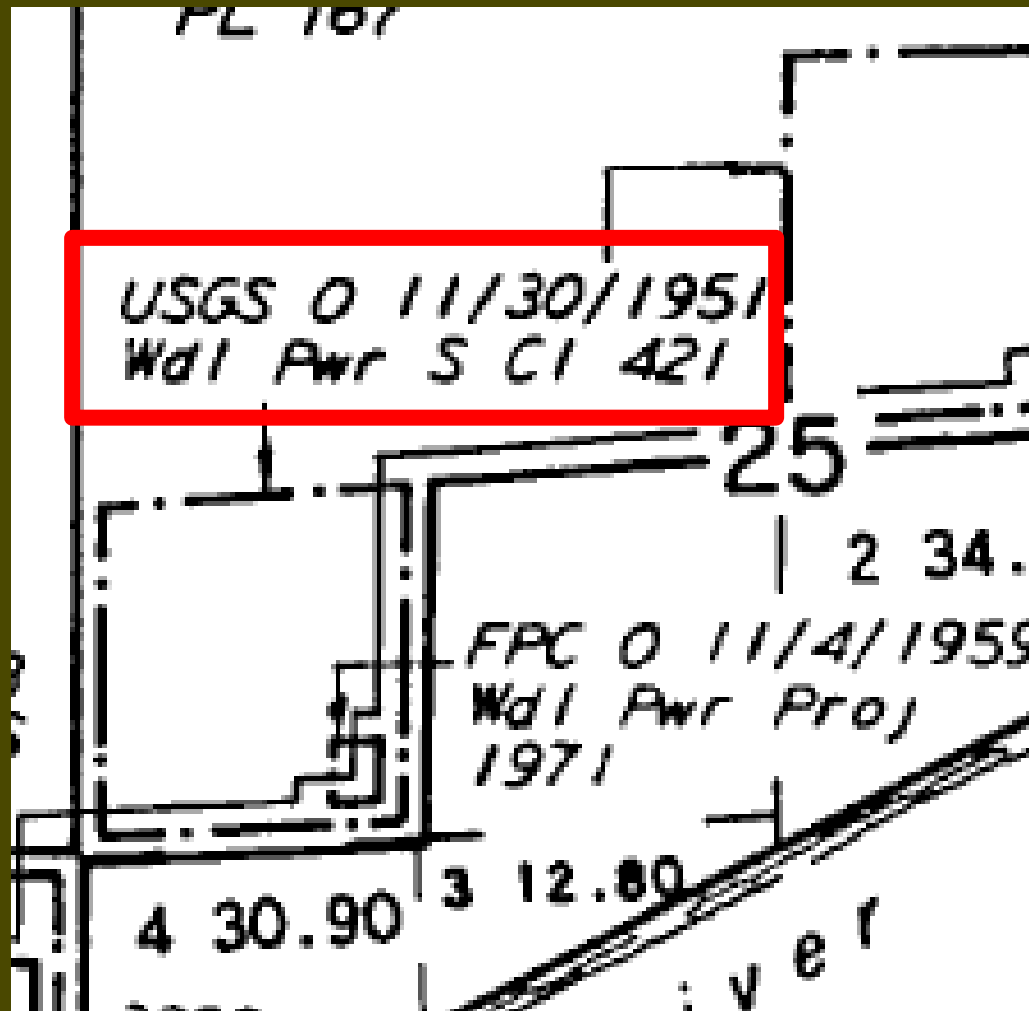
FPC 0 11/4/1959  
Wd1 Pwr Proj 1971

# Powersite Reserve

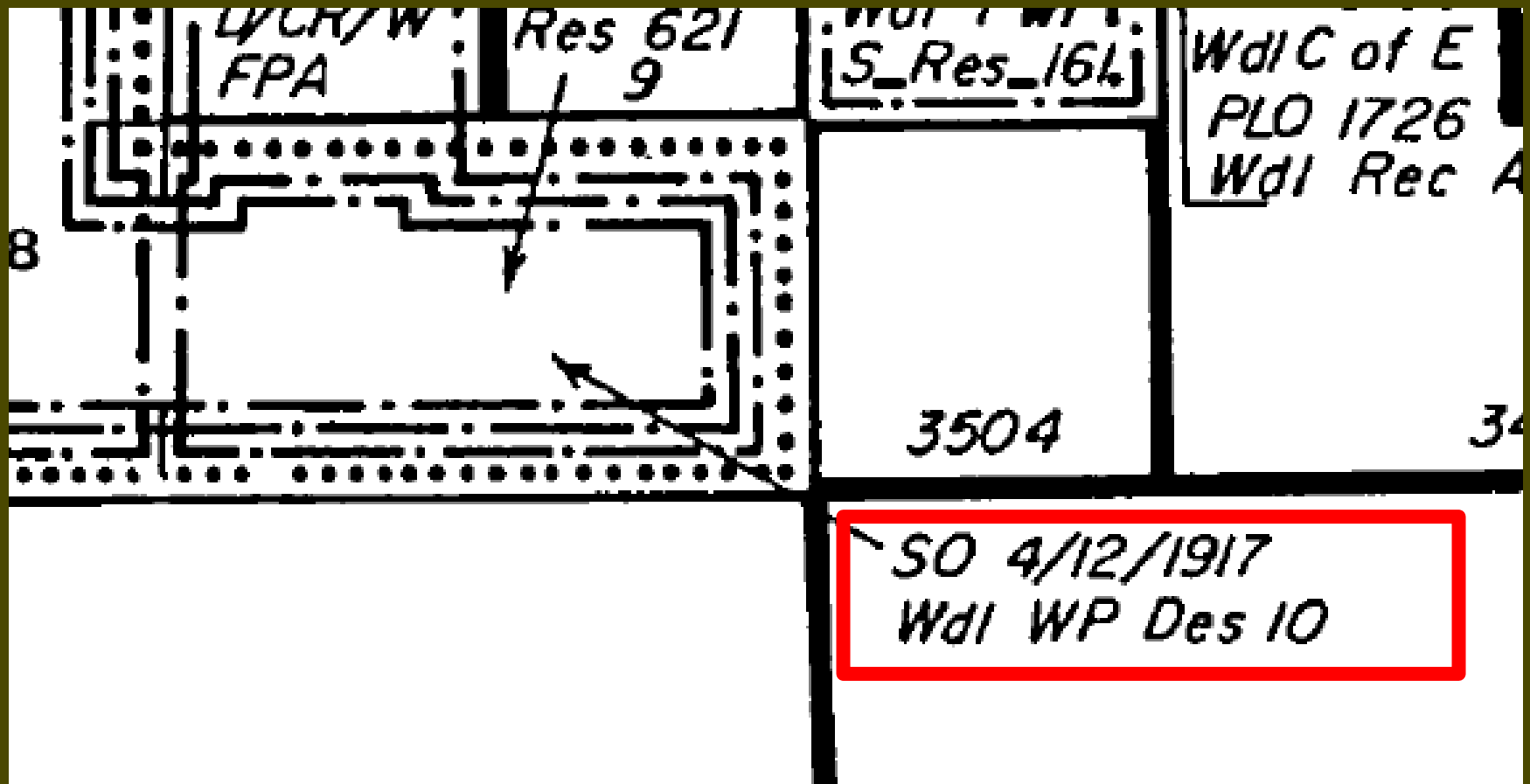


# Powersite Classification

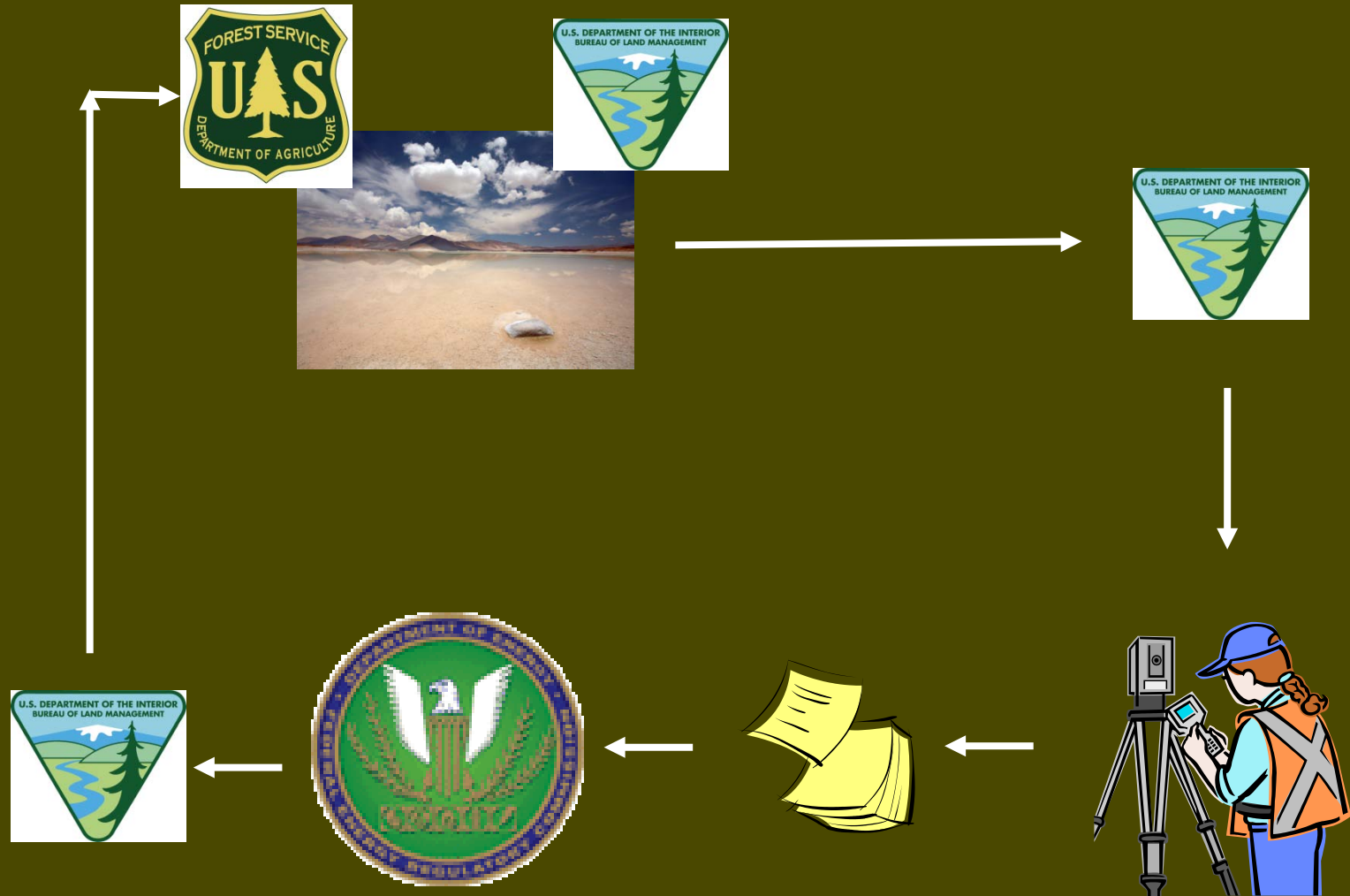
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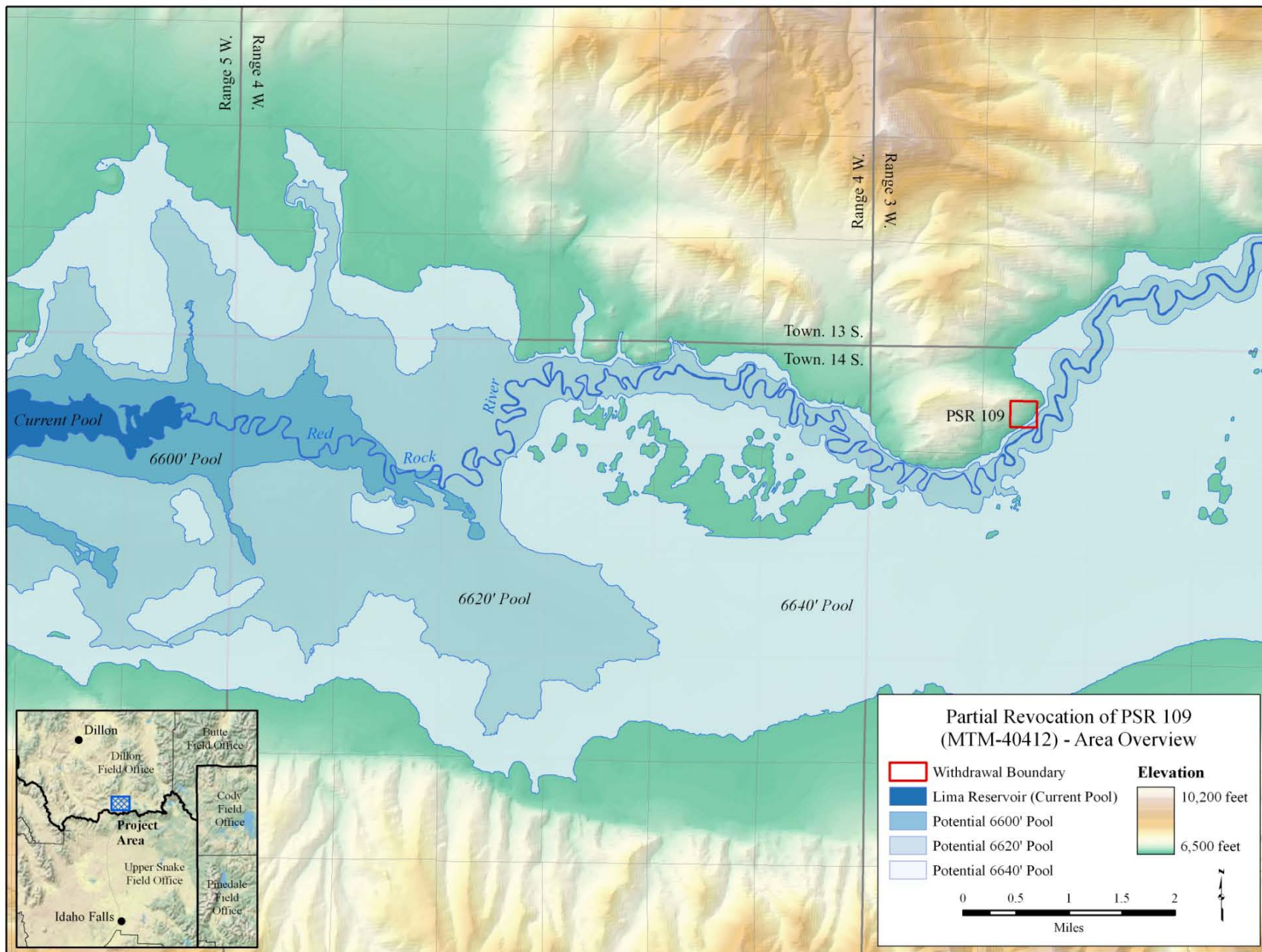


# Waterpower Designation



# Process For Evaluating





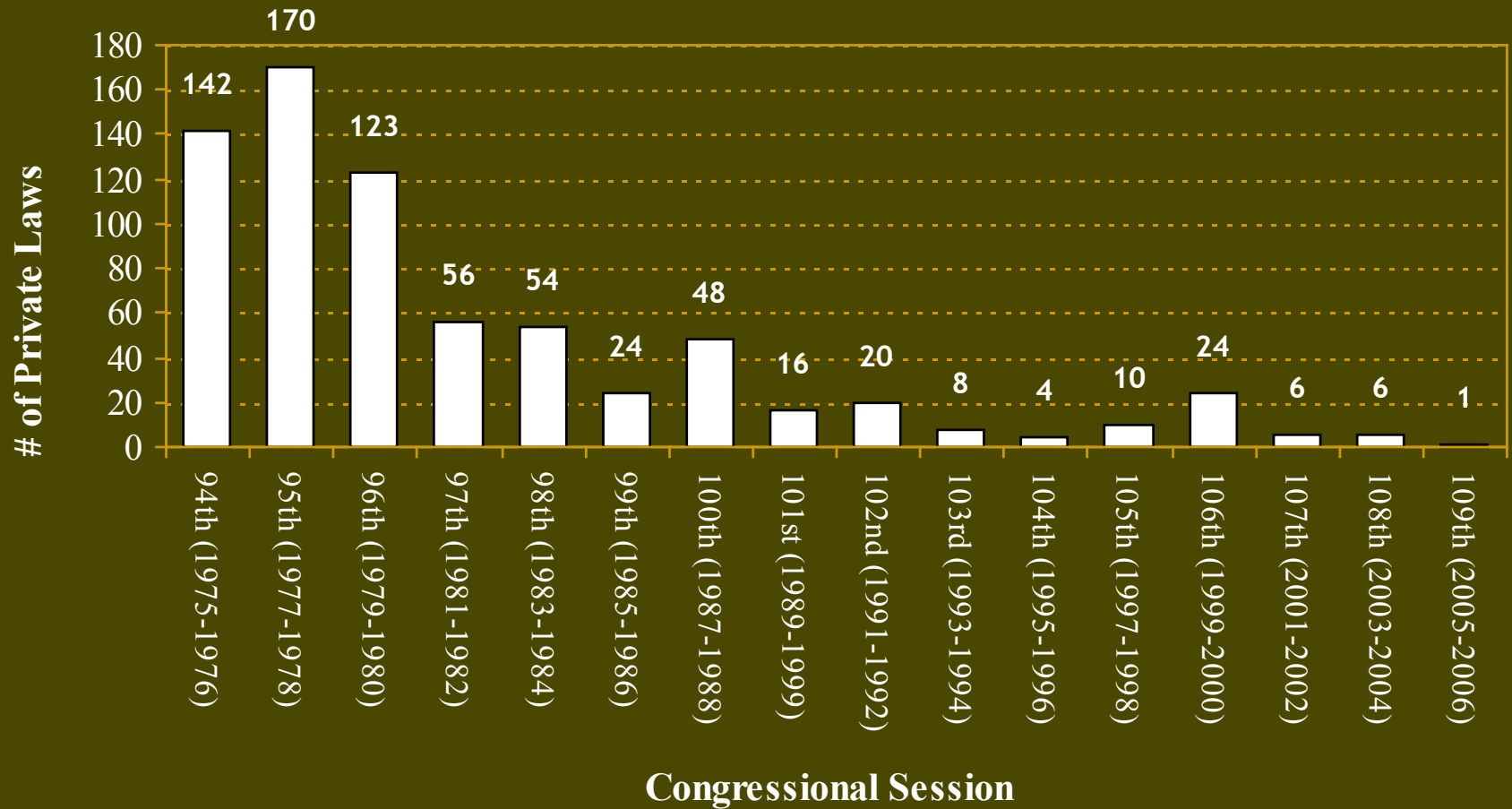
# Section 24 Reservation

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- ❑ Removing a Section 24 reservation from a patent is extremely difficult
  - ❑ Congress has directed that the right be “expressly reserved in every patent”
  - ❑ FPA does not provide a mechanism to remove Section 24 Reservation
  - ❑ It is extremely important that serious consideration be given to a Section 24 Reservation
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# Number of Private Laws Passed between 1975 and 2006

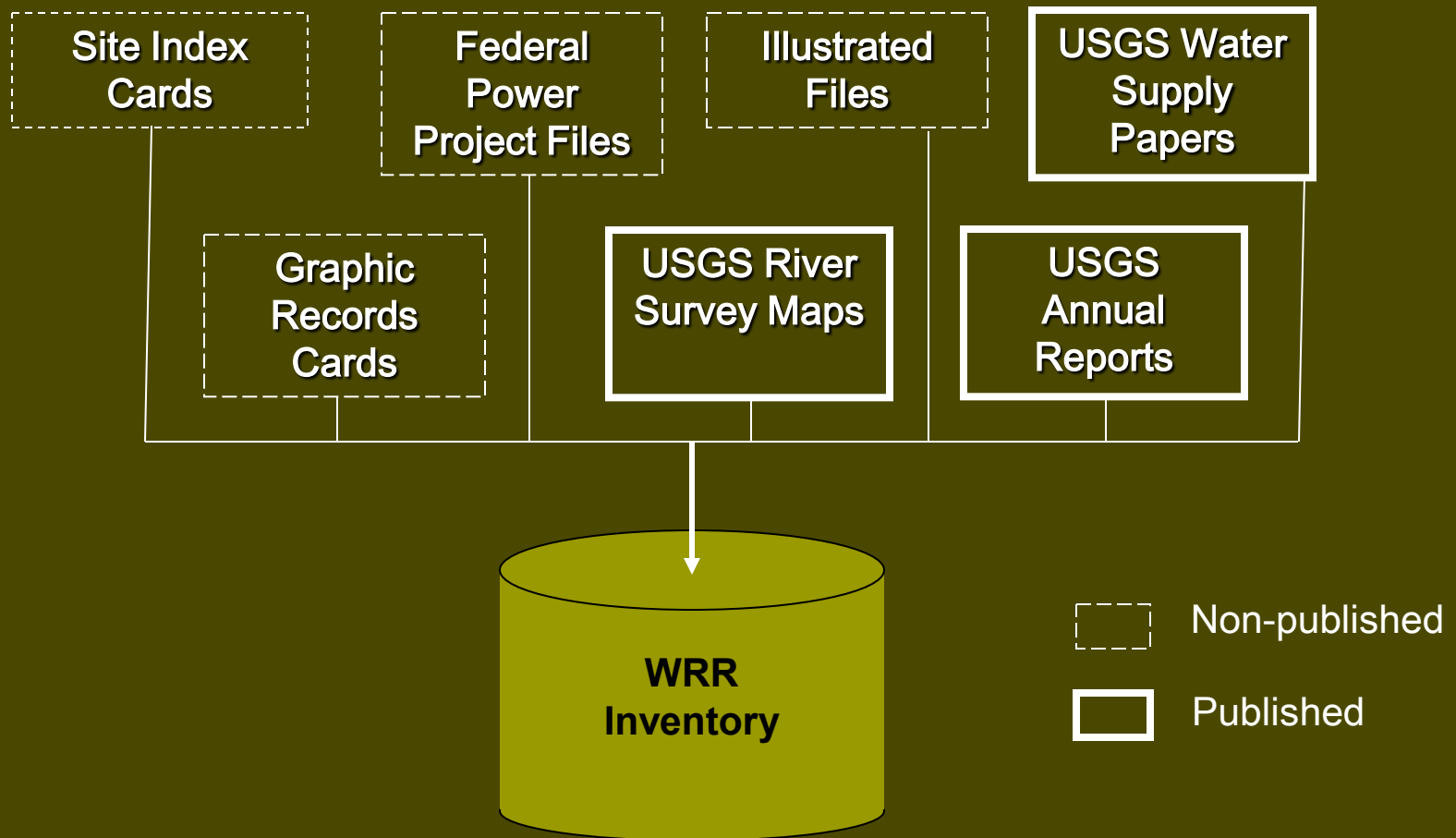


# Federal Power Act Sec. 24

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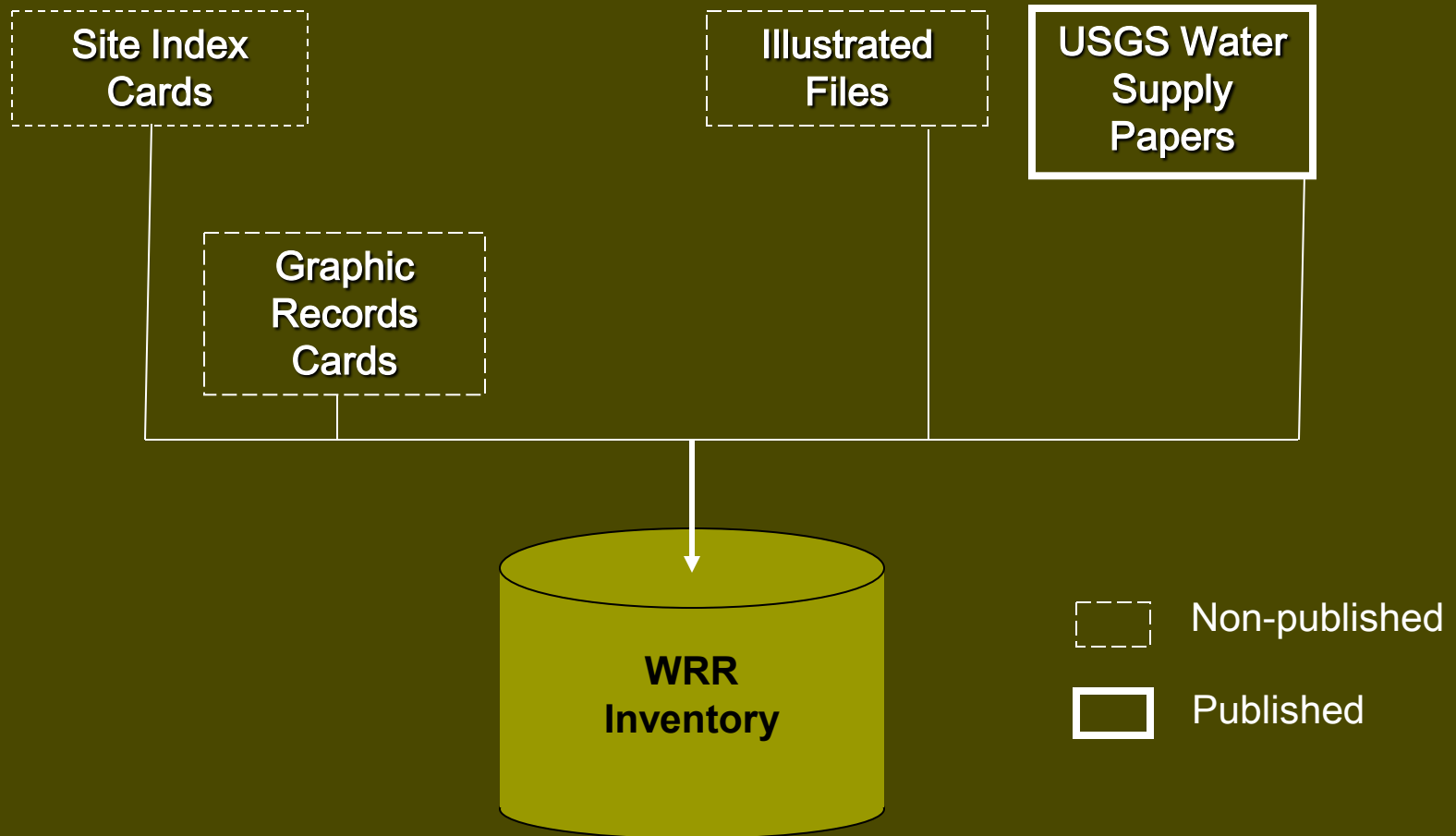


# Inventory Components



# Inventory Components

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# Non-Published: *Site Index Cards*



# Non-Published: *Site Index Cards*

14 05 00 00

14010003

14010002

13 02 00 00

13 04 00 00

UNDEVELOPED HYDROELECTRIC SITE

Site No. 1401

Site Homestake North Diversion

Stream Homestake Creek

Date 1954

County Eagle

R. 80 W., Sec. 30, NE 1/4

Resources of the Eagle R., Col. - Fred Lawrence - USGS, A. 42

Panda, Co., 7.5' (Div. New); McIntyre, Co., 7.5' (power 1947)

Private ☐ Use: ☒ I, ☐ FC, ☐ MI, ☐ R

Undeveloped capacity \_\_\_\_\_

Percent efficiency \_\_\_\_\_

Annual generation \_\_\_\_\_

Factor \_\_\_\_\_

Record \_\_\_\_\_

CE 6/79 SPK 0552

RTE 070079

# Non-Published: *Graphic Records*





- Willa, W. Oregon**

**Wilson P.**

**Trask**

**Withdrawals**

**Restorations**

**P.S.R. No. 659**

**P.S.R. No. 662**

**P.S.R. No. 439**

[illegible]



# Non-Published: *Illustrated Files*

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# Published: *Water Supply Papers*

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- ❑ USGS reports available through Federal Depository Libraries . . .
  - ❑ Deeds, J. F. and White, W. N. B. *Waterpower and irrigation in the Jefferson River basin, Montana*. Washington D. C.: United States Government Printing Office; 1927 (580) Water Supply Papers of the United States Geological Survey.
  - ❑ Henshaw, F. F. and Parker, G. L. *Waterpowers of the Cascade Range, Part II : Cowlitz, Nisqually, Puyallup, White, Green, and Cedar drainage basins*. Washington D. C. United States Government Printing Office; 1913 (313) Water Supply Papers of the United States Geological survey.
  - ❑ Hoyt, W. G. *Power resources of Snake River between Huntington, Oregon and Lewiston, Idaho*. Washington D. C.: United States Government Printing Office; 1925 (520) Water Supply Papers of the United States Geological Survey.
  - ❑ Johnson, F. A. A. *Waterpower resources of the Bradley River Basin, Kenai Peninsula, Alaska*. Washington D. C. United States Government Printing Office; 1961 (1610) Water Supply Papers of the United States Geological Survey.
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*Arkansas River Valley, Colorado*

*July 2005*