

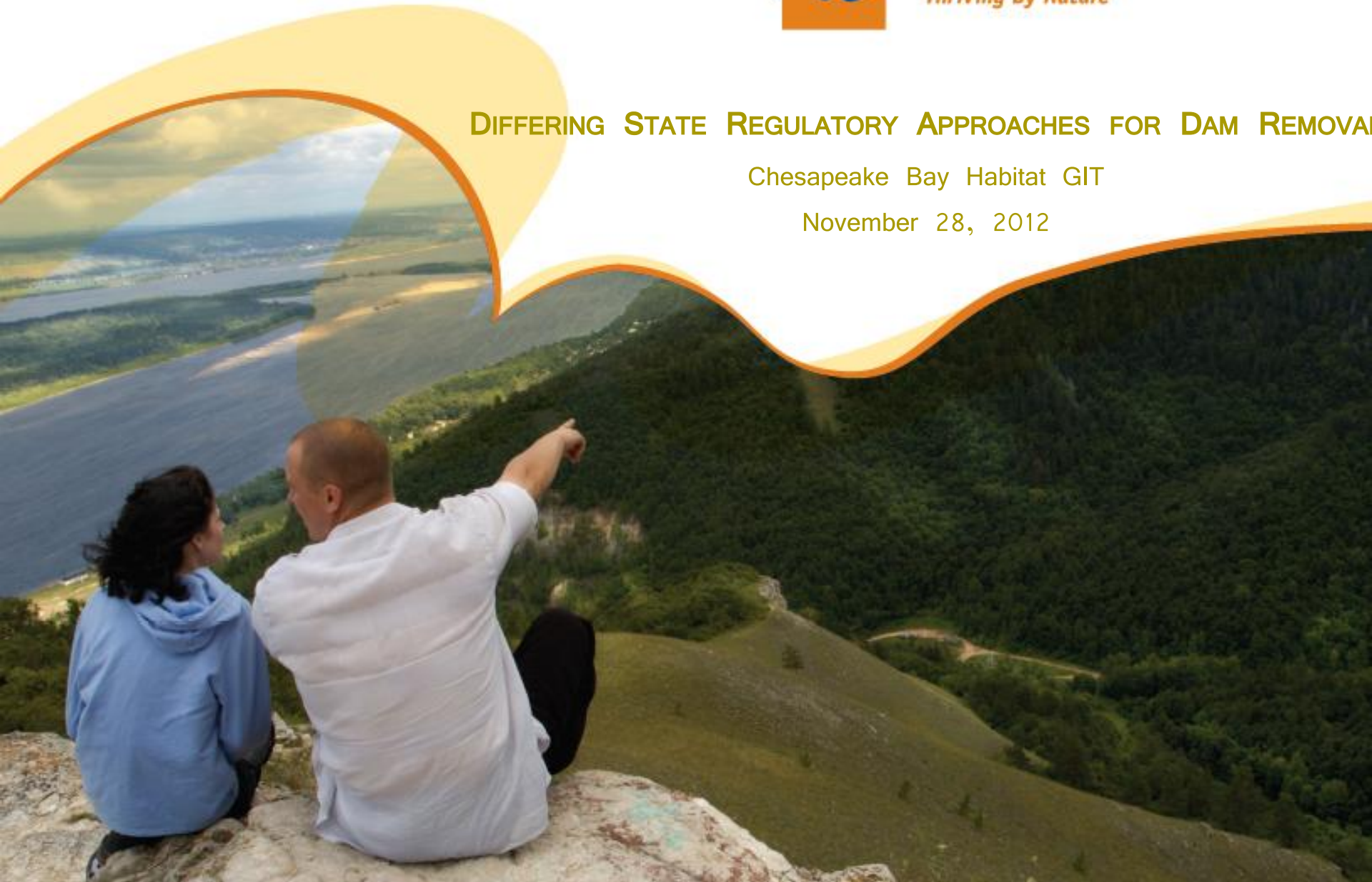


**American Rivers**  
*Thriving By Nature*

## DIFFERING STATE REGULATORY APPROACHES FOR DAM REMOVAL

Chesapeake Bay Habitat GIT

November 28, 2012







More than 1000 dams have been removed around the country with at least one removal having occurred in most states.











# Example State and Federal Permit Requirements

## Federal Permits

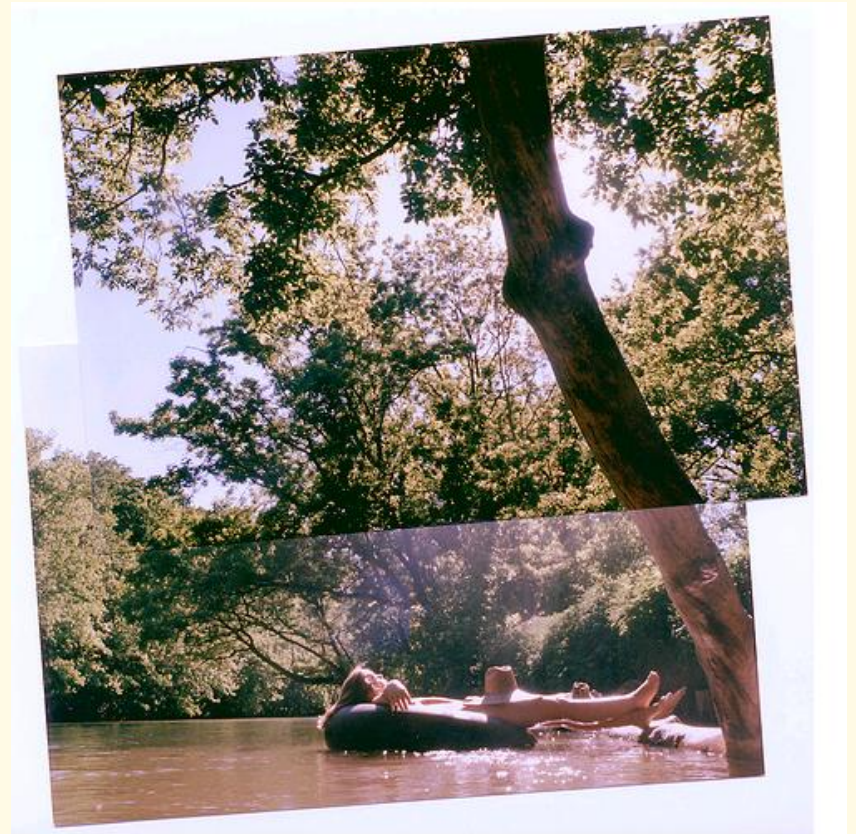
Clean Water Act (CWA), Section 404 Permit  
Rivers and Harbors Act, Section 10 Permit  
National Environmental Policy Act Review  
FERC License Surrender or Non-Power License Approval

## Consultations

Endangered Species Act  
Magnuson-Stevens Fishery Conservation and Management Act  
National Historic Preservation Act

## State Certifications

CWA Section 401 Water Quality Certification  
Coastal Zone Management Act Certification



# Common Challenges in Permitting a Restoration Project: Practitioner Perspective

## Multiple Permit Applications

Completing 3, 4, and 5 permit applications can confuse the permitting process, leaving many unclear as to what permits are needed. Multiple permits often mean an increase in cost and time.

## Lack of Restoration Permit

In some states, dam removal and other river restoration projects are often being required to file the same permit applications that developers and other non-restoration projects file. In this scenario, short-term impacts are often not weighted against long-term benefits.

## Federal/State and State Interagency Coordination

Dam removal projects can often require several permits or approvals from multiple state and federal agencies. Lack of coordination between agencies can lead to delays, increased costs, and even preclude appropriate consideration of the dam removal option.

## Permitting Costs


Because restoration projects are often evaluated in the same fashion as development projects, costs to permit a removal can be driven up artificially.

## Inflexibility

Rigidity in the regulations may preclude the opportunity to explore alternative techniques or may not have been updated to reflect the change in scientific thought.





A scenic autumn landscape featuring a river or stream flowing through a forest. The water is dark blue with white rapids. Large, dark rocks are scattered in the foreground and middle ground. The trees on the banks are in various stages of autumn, with some showing bright yellow and orange leaves, while others are still green. The sky is a clear, bright blue with a few wispy clouds. The overall scene is peaceful and beautiful.

Clean your  
brain with a  
pretty picture.



# What Has Worked: Practitioner Perspective

## Mechanism/Restoration Lens

- Programmatic General Permits

- Exemptions or Waivers

- Permit Attachments

Example States: New Hampshire, Wisconsin, Pennsylvania

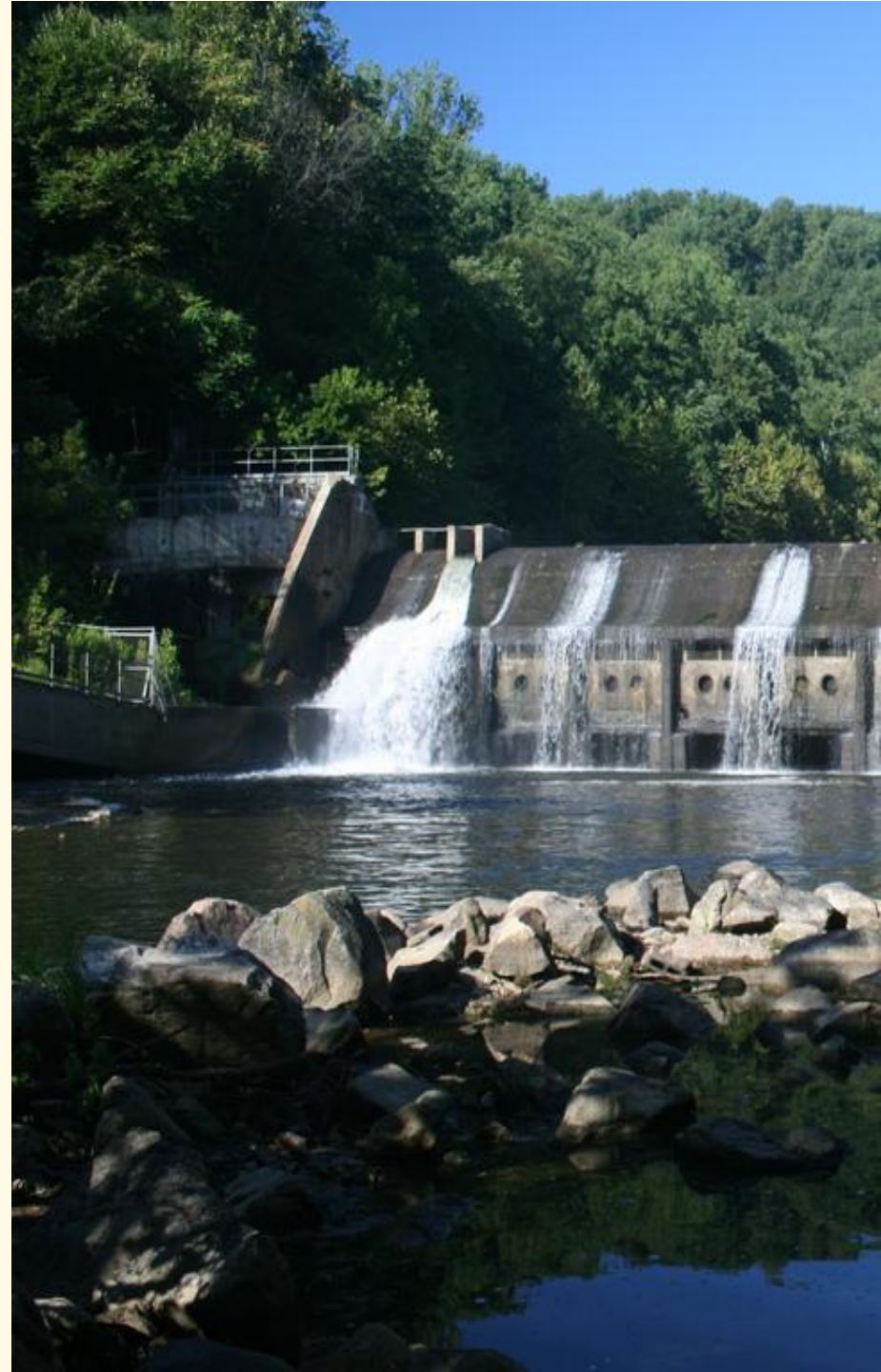
## Federal/State and State Interagency Coordination

- Guidance Documents

- Standardized Coordination

- Single POC

Example States: New Hampshire, Massachusetts







Maxwell Pond Dam, Black Brook, New Hampshire

Removal of Stream from 303(d)/Eliminating a threat to safety and liability









Kent Mill Dam, Cuyahoga River, Ohio

Preserving an historic resource, enhancing water quality













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