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THE NEW FRONTIER: AN OVERVIEW OF RECENT POLICY AND REGULATORY CHANGES AFFECTING DAM REMOVAL PROJECTS

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Removing dams and other instream barriers can be one of the fastest, most effective ways of restoring ecological function. However, as more dam removal projects are proposed, many proponents have found that the regulatory environment can be unreasonably complicated, time consuming, and expensive for both the applicant and regulatory authorities. Over the course of the last 18 months, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) have released guidance and completed rulemaking that has a direct bearing on implementation of future dam removal projects and attempts to address some of these challenges. This presentation will provide an overview of these efforts, including the EPA final rulemaking to update the national water quality standards (WQS) regulation (specifically WQS variances); the EPA FAQ on dam removal; and issuance of the new Corps nationwide permit (NWP) 53, Removal of Low-Head Dams.