

195 FERC ¶ 61,041
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Georgia Power Company

Project Nos. 2341-033
2350-025

ORDER APPROVING SURRENDER OF PROJECT LICENSES AND REMOVAL OF
PROJECT FEATURES

(Issued April 16, 2026)

1. On December 18, 2018, and supplemented on May 24, 2019, September 6, 2022, September 8, 2022, and November 1, 2023, Georgia Power Company (Georgia Power), filed an application to surrender the licenses for the Langdale Hydroelectric Project No. 2341 (Langdale Project) and the Riverview Hydroelectric Project No. 2350 (Riverview Project) and to remove several project works. The projects are located on the Chattahoochee River in Chambers County, Alabama and Harris County, Georgia and do not occupy any federal lands.

2. For the reasons discussed below, we approve the surrender of the Langdale and Riverview Projects, subject to the terms and conditions herein.

I. Background

3. On May 24, 1993, Commission staff issued subsequent licenses for the Langdale¹ and Riverview Projects,² each with a term of 30 years and an expiration date of December 31, 2023. Since the expiration date, Georgia Power has operated both projects under notices of authorization for continued operation.³ Neither project has generated power since 2009. Georgia Power states that due to the inoperability of the generating units, the cost to repair and rehabilitate the projects, transmission issues, safety and

¹ *Ga. Power Co.*, 63 FERC ¶ 62,187 (1993).

² *Ga. Power Co.*, 63 FERC ¶ 62,186 (1993).

³ *See* 16 U.S.C. § 808(a)(1); *see also* January 22, 2024 Notices of Authorization for Continued Project Operation.

liability concerns, as well as the potential environmental and recreational benefits associated with removal, it decided not to relicense the projects and instead proposes to surrender the licenses and remove the majority of the project works.

II. Project Descriptions

A. Langdale Project

4. The 1.04-megawatt (MW) Langdale Project is located at river mile 191.9 on the Chattahoochee River, and consists of: (1) Langdale Dam, which is a 1,892-foot-long, 15-foot-high rubble masonry structure with a 1,362-foot-long, uncontrolled spillway at a crest elevation of 550.25 above mean sea level (msl); (2) an impoundment with a surface area of approximately 270 acres and a gross storage capacity of 2,646 acre-feet; (3) a reinforced concrete gated intake containing two active and four retired water chests, each 25 feet wide, 19 feet high, and 30 feet long, with a combined hydraulic capacity of 874 cubic feet per second (cfs); (4) a 245-foot-long, 35-foot-wide, 30-foot-high concrete and brick powerhouse; (5) two vertical-shaft turbines each with a name-plate capacity of 520 kilowatts (kW); (6) a 250-foot-wide, 1,500-foot-long tailrace channel; (7) 0.6-kilovolt (kV) project generator leads; (8) a 3-phase 0.6/12-kV step up transformer bank rated 3.0 megavolt-amperes; and (9) appurtenant facilities. The Langdale Dam is located approximately 9.5 river miles downstream of the U.S. Army Corps of Engineers West Point Dam, which regulates flow through the Middle Chattahoochee River region.

B. Riverview Project

5. The 0.48-MW Riverview Project is located downstream of the Langdale Project, at river mile 191.0 on the Chattahoochee River, and consists of: (1) Crow Hop diversion dam, which is a 1,000-foot-long, 12-foot-high stone masonry structure with an overflow spillway at elevation 532.3 feet msl; (2) a 5,000-foot-long back-channel headrace leading to Riverview Dam; (3) Riverview Dam, which is a 200-foot-long stone masonry structure with an overflow crest at elevation of 530.5 msl (532.5 msl with flashboards); (4) an impoundment with an approximate surface area of 25.3 acres and a gross storage capacity of 215 acre-feet; (5) a 58-foot-long, 61-foot-wide, 25-foot-high concrete and brick powerhouse at the western end of Riverview Dam, with a gated intake section containing two 22-foot-wide, 18-foot-high, 30-foot-long water passageways connecting to the two generating units rated at 240 kW each; (6) a 100-foot-wide, 2,000-foot-long tailrace channel; (7) 2.3-kV project generator leads; (8) a 3-phase 2.3/12-kV step up transformer bank rated 1.0 megavolt-ampere; and (9) appurtenant facilities.

III. Proposed Surrender

6. Georgia Power proposes to surrender the project licenses and decommission and remove or modify several project works, including: (1) removal of Langdale Dam except for approximately 300 feet on the east side, which would be lowered approximately eight

feet in elevation to distribute water across the channel and reduce velocities on the eastern side of the channel, and dam abutments on the west side of the Langdale Dam; (2) construction of the Langdale Island channel to convey flow to the Langdale tailrace; (3) removal of Crow Hop Dam except for ten-foot-long sections of both abutments for historic documentation; (4) construction of a rock ramp in the west channel above Crow Hop Dam to serve as a grade control structure; (5) removal of Riverview Dam except for a ten-foot-long section of the southern abutment for historic documentation and a 25-foot-long portion of the northern abutment for historic documentation and to provide additional bank protection; and (6) removal of the Riverview powerhouse including all mechanical and electrical equipment. To facilitate decommissioning activities, Georgia Power would construct temporary access roads from the laydown areas to the dams.

7. Georgia Power states that the impounded portions of the Chattahoochee River at the projects would return to a riverine environment, resulting in previously inundated shoreline areas and shoals becoming exposed, as well as reconnecting isolated fish and mussel populations and habitats for aquatic resources that have been fragmented since the dams were built in the early 1900s.

8. Georgia Power also proposes to plant approximately 9.5 acres of vegetation, and to monitor growth to ensure a minimum of 80% of the disturbed area is covered with vigorous growth. The licensee would grade surfaces to appropriate slopes, where necessary. Georgia Power proposes to extend the existing boat ramps within the project reach, once the river channel stabilizes, to at least two feet of water depth as measured at West Point Dam minimum flow. Additionally, a new day-use park would be developed adjacent to the river in the City of Valley, Alabama. Georgia Power anticipates completing all proposed work within an eight-month timeframe. The temporary staging areas at each dam would be restored and all disturbed areas used to access the river for demolition purposes would be reclaimed.

9. Georgia Power proposes environmental measures to protect, mitigate, and enhance environmental resources during the decommissioning. These include measures related to aquatic resources, botanical resources, geology and soils, recreation, historic resources, archeological resources, and land use. Proposed measures include: (1) implement a Post Removal Shoal Bass Abundance and Tracking Study; (2) implement a Post Removal Monitoring Plan (to include a Revegetation Plan); (3) develop and implement an erosion and sediment control plan; (4) implement an Aquatic Organism Recovery Survey and Relocation Plan; (5) extend four existing public boat ramps; (6) design and construct Langdale Park; (7) implement the stipulations of a Memorandum of Agreement (MOA) executed between the Commission, Georgia State Historic Preservation Officer (Georgia SHPO) and the Alabama State Historic Preservation Officer (Alabama SHPO); (8) perform Level II Historic American Building Survey/Historic American Engineering Record documentation of the Langdale and Riverview Dams and powerhouses; (9) develop educational material, including interpretive signage to be

located in the proposed Langdale Park; (10) photo-document each of the three rock weir structures, to the extent possible, during dam removal; (11) construct a rock ramp to preserve Rock Weir No. 3 and maintain flow in the Riverview headrace channel; (12) provide bank and bed scour protection in the southern end of the Riverview headrace channel; (13) construct the Langdale Island Channel to convey flow to the Langdale tailrace; (14) construct a rock ramp in the west channel above Crow Hop Dam to serve as a grade control structure; and (15) leave in place dam abutments on both sides of Crow Hop Dam, on the north and south side of Riverview Dam, and the west side of Langdale Dam, as well as a 300-foot segment of the east side of Langdale Dam which would be reduced in elevation. Georgia Power proposes to mitigate potential effects to water quality from in-water work through the use of best management practices. These measures are discussed in further detail in the Environmental Assessment (EA) issued for the project.

IV. Pre-filing Consultation

10. Georgia Power consulted with state and federal agencies, municipalities, non-governmental organizations, and adjacent landowners on its proposal.⁴ Stakeholders identified a number of concerns, including: water quality, public access, habitat restoration, cultural resource protection, recreation, and ensuring that the existing water treatment facility would remain functional. The licensee included a detailed consultation record in Appendix B of its surrender application.

V. Public Notice, Interventions, and Comments

11. The Commission issued public notice of the surrender application on January 24, 2019, with protests, comments, and motions to intervene due by February 25, 2019.⁵ On February 14, 2019, the Commission issued notice extending the deadline until March 4, 2019.⁶ Kendall Andrews filed a timely, unopposed motion to intervene in both surrender

⁴ Georgia Power consulted with the following: U.S. Fish and Wildlife Service (FWS); the U.S. Army Corps of Engineers; Alabama SHPO; Alabama Department of Conservation and Natural Resources; Alabama Department of Environmental Management; Georgia Department of Natural Resources (Georgia DNR), Wildlife Resources Division; Georgia SHPO; Georgia DNR, Environmental Protection Division; Harris County, Georgia; Chambers County, Alabama; City of Valley, Alabama; Lake Harding Homeowners Association; Chattahoochee River Conservancy; Trust for Public Land; and East Alabama Water, Sewer, and Fire Protection District.

⁵ 84 Fed. Reg. 6399 (Feb. 27, 2019).

⁶ 84 Fed. Reg. 6400 (Feb. 27, 2019).

proceedings.⁷ In addition, several commenters filed letters opposing the proposed dam removals at both projects. Lanny Bledsoe expressed concern regarding the potential for islands he owns in the river to be subject to increased erosion due to dam removal. Additional comments focused on concern for the potential loss of boating and fishing opportunities, loss of waterfront access from neighboring properties, and impacts to shoal bass. Letters of support for dam removal were filed by local citizens as well as the Georgia Department of Natural Resources (Georgia DNR), Division of Wildlife Resources, and by the Chattahoochee Riverkeeper. The Muscogee (Creek) Nation requested that archeological surveys be conducted prior to dam removal and that monitoring be conducted following removal to ensure protection of archeological sites. The comments are addressed in the EA and, as appropriate, below.

12. On September 6, 2022, and supplemented on September 8, 2022, Georgia Power amended its surrender application by filing decommissioning plans for both projects, which provided detail on how the licensee proposed to accomplish surrender. The Commission issued public notice of the decommissioning plans on November 17, 2022, with protests, comments, and motions to intervene due by December 19, 2022.⁸ On December 12, 2022, FWS filed comments in support of the proposed decommissioning and removal. On December 13, 2023, the City of Valley, Alabama filed comments in opposition to dam removal, citing concerns related to recreation.

13. The interventions and comments have been fully considered in determining whether, and under what conditions, to approve the surrender of the licenses and removal of project facilities.

VI. Discussion

A. Environmental Analysis

14. To satisfy the requirements of the National Environmental Policy Act (NEPA),⁹ on December 21, 2023, the Commission issued a notice of intent to prepare an EA,¹⁰ which

⁷ Timely, unopposed motions to intervene are granted by operation of Rule 214(c)(1) of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c)(1) (2025).

⁸ 87 Fed. Reg. 71626 (Nov. 23, 2022).

⁹ 42 U.S.C. §§ 4321 *et seq.*; *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

¹⁰ 88 Fed. Reg. 89679 (Dec. 28, 2023).

was issued on March 29, 2024.¹¹ In the EA, Commission staff addressed the environmental effects associated with the proposed surrender and decommissioning, including effects to geology and soils, water quantity and quality, fisheries, vegetation and wildlife resources, special-status species, recreation and land use, cultural and historic resources, and aesthetics. Commission staff concluded that the licensee's proposed surrender, decommissioning activities, and dam removal would not constitute a major federal action significantly affecting the quality of the human environment.¹² We agree. FWS, the U.S. Environmental Protection Agency (EPA), Chattahoochee Riverkeeper, and Lanny Bledsoe filed comments on the EA, which are addressed below. Georgia Power also filed clarifying comments on the EA.¹³

1. Recreation Resources and Land Use

15. Commenters opposed to dam removal are concerned that it will reduce recreation opportunities.¹⁴ Commission staff explained in the EA that opportunities for fishing and boating would be similar following dam removal, except that navigability of the river would be negatively affected for motorized boaters.¹⁵ Staff determined that effects of the proposed action to recreation resources would predominantly be short-term due to closure of boat ramps during the eight-month construction work window, with the exception of the permanent loss of a pedestrian bridge for fishing access¹⁶ and reduced access for motorized boats within the projects' reach of the Chattahoochee River.¹⁷ Following dam removal, the Chattahoochee River would remain navigable throughout the project reach for canoes and kayaks, but navigability for flat-bottom boats (jon boats) would be reduced and larger motorized boats (bass boats) would no longer be able to navigate this stretch of the river during minimum flows. Staff also determined that recreation access

¹¹ 89 Fed. Reg. 23594 (Apr. 4, 2024).

¹² EA at 38.

¹³ Georgia Power clarified specific location information for the project description, the timing of filing various proposed plans, under what circumstances Georgia Power will conduct proposed environmental measures, and impacts to recreation resources and land use. *See* Georgia Power April 29, 2024 Comment at 1-4.

¹⁴ *See, e.g.*, Kendall Andrews November 5, 2020 Comment at 1.

¹⁵ EA at 21.

¹⁶ A pedestrian bridge currently provides access to the Riverview Dam tailrace and will be removed along with the dam and powerhouse. *See id.* at 20.

¹⁷ *Id.* at 21.

points and opportunities would be similar to existing conditions and that changing water depths influenced by sediment transport would occur naturally, regardless of the proposed action.¹⁸ Given these determinations and the mitigation measures proposed by Georgia Power, Commission staff concluded that no significant long-term adverse effects to recreation resources or land use would occur as a result of the surrender and decommissioning.¹⁹ We agree.

2. Post-Removal Monitoring

16. EPA and Chattahoochee Riverkeeper support the surrender and decommissioning of the projects, but recommend that the monitoring period in the Post Removal Monitoring Plan be extended.²⁰ As proposed by Georgia Power and discussed in the EA,²¹ the Post Removal Monitoring Plan would include monitoring at one month, six months, and one year to ensure bank stability and identify, prevent, and remediate issues with sedimentation and erosion.²² The plan includes a proposal to file summary reports with the Commission and resource agencies within one month of completing each monitoring effort. EPA “recommends extending the monitoring implementation due to climate change and the unpredictability of rainfall events and their effects on water quality.”²³ Chattahoochee Riverkeeper recommends an additional monitoring effort at either three or five years post removal.

¹⁸ *Id.*

¹⁹ *Id.* Based on modeling used to estimate future water depths at each neighboring parcel along the affected stretch of the Chattahoochee River, staff determined in the EA that the most likely effect to recreation would be a reduced wetted area during flows similar to the license-required minimum flows, limiting motorized boat access during these conditions; however, the EA concluded that access to the nearby Lake Harding and West Point Lake would provide alternative deep water access and that the conditional loss of this stretch of river during low flow conditions would not represent a significant effect.

²⁰ EPA April 30, 2024 Comment at 1; Chattahoochee Riverkeeper April 29, 2024 Comment at 1-2.

²¹ EA at 11.

²² Georgia Power clarified in comments on the EA that mitigative measures will be implemented if post-removal monitoring indicates a bank has been adversely affected by decommissioning activities. *See* Georgia Power April 29, 2024 Comment at 2.

²³ EPA April 30, 2024 Comment at 1.

17. We conclude that the Post Removal Monitoring Plan includes adequate monitoring to assess any reasonably foreseeable effects that would result from the surrender of the projects. While climate change and unpredictable rainfall events may affect water quality in the project area, those effects would not be the result of Georgia Power's proposed actions and are therefore outside of the scope of this proceeding. The intent of the Post Removal Monitoring Plan is to identify and address sedimentation affecting public access²⁴ and to document the success of the vegetation replanting efforts.²⁵ The proposed plan would accomplish those goals in the proposed timeframe because it includes specific criteria for success (e.g., 80% of the disturbed area being covered with vigorous growth). However, in order to keep Commission staff informed of resource agency comments on the monitoring efforts, the licensee should provide draft summary reports to the resource agencies for a 30-day comment period prior to filing with the Commission. Ordering paragraph (C) requires the licensee to revise the Post Removal Monitoring Plan to incorporate a 30-day resource agency comment period prior to filing summary reports with the Commission.

3. Return to Free-Flowing Condition

18. Mr. Bledsoe notes that while he is not concerned with removal of the powerhouses, he is concerned that the areas will be backfilled and that water will no longer flow, thus altering the original flow of the river.²⁶ Georgia Power's proposal to remove the project facilities, which we approve below, will restore the Chattahoochee River to a more natural, free-flowing condition, with the river mostly returning to its historic channels.²⁷ Mr. Bledsoe also asks about Georgia Power's authority to make such changes. As discussed below, the Commission has the authority to approve Georgia Power's decommissioning plan under section 6 of the Federal Power Act (FPA).²⁸

B. Clean Water Act

19. Under section 401(a)(1) of the Clean Water Act (CWA),²⁹ any applicant for a federal license or permit for an activity that may result in a discharge into United States

²⁴ EA at 11.

²⁵ *Id.* at 18.

²⁶ Lanny Bledsoe July 16, 2025 Comments at 1-2.

²⁷ EA at 11 & 36.

²⁸ 16 U.S.C. § 803(g).

²⁹ 33 U.S.C. § 1341(a).

waters must obtain either a water quality certification from the appropriate state pollution control agency verifying that any discharge from the project would comply with applicable provisions of the CWA, or a waiver of such certification.

20. On December 13, 2022, Georgia Power applied to the Georgia DNR, Environmental Protection Division (Georgia EPD) for certification for the proposed surrender of the Langdale and Riverview Projects. The applications were withdrawn and resubmitted on December 8, 2023. On February 5, 2024, Georgia EPD issued certifications for both projects.³⁰ Each water quality certification includes four conditions, which are set forth in Appendices A and B of this order and incorporated as conditions of this order in ordering paragraph (E). Specifically, the certification conditions require Georgia Power to: (1) implement best management practices to limit sediment transport and erosion (condition 1); (2) only use clean fill, if needed (condition 1); (3) obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction (condition 2); and (4) protect stream buffers (condition 3).

C. National Historic Preservation Act

21. Under section 106 of the National Historic Preservation Act (NHPA)³¹ and its implementing regulations,³² federal agencies must take into account the effect of any proposed undertaking on properties listed or eligible for listing in the National Register of Historic Places (Historic Register), defined as historic properties, and afford the Advisory Council on Historic Preservation (Advisory Council) a reasonable opportunity to comment on any undertaking. This generally requires the Commission to consult with the SHPO or, where a project will be located on Tribal land, the Tribal Historic Preservation Officer, to determine whether and how a proposed action may affect historic properties and to seek ways to avoid or minimize any adverse effects.

22. On January 24, 2019, Commission staff designated Georgia Power as its non-federal representative for the purposes of conducting section 106 consultation with the Georgia and Alabama SHPOs, appropriate Tribes, and other consulting parties. Georgia Power initiated consultation with the Georgia SHPO, Alabama SHPO, and federally recognized Tribes³³ to identify historic properties, determine the eligibility of

³⁰ Georgia Power filed copies of the water quality certifications with the Commission on February 13, 2024.

³¹ 54 U.S.C. § 306108 *et seq.*

³² 36 C.F.R. pt. 800 (2025).

³³ Georgia Power contacted the following Tribes that are traditionally and culturally affiliated with the area of potential effect: Alabama Coushatta Tribes of Texas,

cultural resources for listing on the National Register, and assess potential adverse effects on historic properties within the project's area of potential effect.

23. Commission staff determined that Georgia Power's proposal to decommission and remove most project facilities would directly affect several historic properties.³⁴ To satisfy the requirements of section 106 of the NHPA, Commission staff executed an MOA with the Georgia SHPO and Alabama SHPO on September 30, 2025. Georgia Power signed as a concurring party. Ordering paragraph (D) requires implementation of the MOA.

D. Tribal Consultation

24. Pursuant to the Commission's Tribal Consultation Policy,³⁵ Commission staff consulted with the federally recognized Tribes that have interests within the projects' area of potential effect. On January 24, 2019, Commission staff sent a letter to multiple Tribes³⁶ requesting comments on the application. Subsequently, in e-mail correspondence dated February 6, 2019, Commission staff again reached out to the federally recognized Tribes. By letter dated March 5, 2019, the Muscogee (Creek) Nation requested that archaeological surveys be conducted downstream of the projects after the dams are removed. Commission staff notified the Tribes on January 27, 2023, that additional studies had been completed and a draft MOA regarding the decommissioning and removal of infrastructure at the projects had been developed, and requested additional comments.³⁷ On April 21, 2023, Commission staff sent follow-up e-mails to the Tribes requesting comments. No additional comments were received. The executed MOA includes a measure requiring Georgia Power to conduct a post-removal

Alabama Quassarte Tribal Town, Choctaw Nation of Oklahoma, Coushatta Indian Tribe, Jena Band of Choctaw Indians, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, and Muscogee (Creek) Nation of Oklahoma.

³⁴ Commission staff's Oct. 12, 2023 Letter and MOA; *see* EA at 23-25 (discussing effects to historic properties).

³⁵ *See Pol'y Statement on Consultation with Indian Tribes in Comm'n Proceedings*, Order No. 635, 104 FERC ¶ 61,108 (2003), *revised*, Order No. 863, 169 FERC ¶ 61,036 (2019).

³⁶ The Tribes included Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Coushatta Tribe of Louisiana, and Muscogee (Creek) Nation.

³⁷ The draft MOA and study reports were sent to the Tribes for review by Georgia Power by letter dated July 1, 2022.

survey of the river in the area of the projects to identify historic properties, as required by ordering paragraph (D) of this order.

E. Endangered Species Act

25. Section 7 of the Endangered Species Act of 1973 (ESA)³⁸ requires federal agencies to ensure that their actions are not likely to jeopardize the continued existence of federally listed threatened and endangered species or result in the destruction or adverse modification of critical habitat of such species.

26. Two federally listed, one proposed, and one candidate species may occur in the project areas: oval pigtoe (*Pleurobema pyriforme*, endangered), Georgia rockcress (*Arabis georgiana*, threatened), tricolored bat (*Perimyotis subflavus*, proposed endangered), and monarch butterfly (*Danaus plexippus*, candidate).³⁹ By letter dated December 12, 2022, which predated the proposed listing of the tricolored bat, FWS indicated that no impacts to federally listed species are anticipated because none are known to occur in the vicinity of the projects, the proposed action area, nor in downstream areas which would be impacted by the mobilization of sediments. In the EA, Commission staff concluded that the proposed surrender and decommissioning would have no effect on listed species.⁴⁰ We agree.

27. In comments on the EA, FWS states that since its December 12, 2022, letter, it proposed to list the tricolored bat, and requests that the Commission consult with FWS if the listing is finalized. The tricolored bat listing has not yet been finalized and no critical habitat has been designated for this species. We find that the surrender is not likely to jeopardize the continued existence of the tricolored bat.⁴¹ Therefore, no further action under the ESA is required.

F. Dam and Public Safety

28. The Commission's Division of Dam Safety and Inspections (D2SI) reviewed Georgia Power's surrender application and found no outstanding dam safety issues at the

³⁸ 16 U.S.C. § 1536.

³⁹ IPaC, FWS, <https://ipac.ecosphere.fws.gov> (accessed March 19, 2026).

⁴⁰ EA at 18.

⁴¹ For species proposed for listing, a federal agency must confer with FWS only when the agency determines that its action would likely jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat. 16 U.S.C. § 1536(a)(4).

Langdale Project or the Riverview Project.⁴² D2SI staff has discussed the proposed surrender and dam removal with the Georgia state dam safety organization, Georgia Safe Dams Program, which would have primary jurisdiction over the dams after surrender. Georgia Safe Dams Program staff indicated to D2SI staff that it has no concerns with the surrender and dam removal.

29. D2SI staff recommended several measures to be included in any surrender order issued for the projects, including filing a decommission design document with the Secretary of the Commission and D2SI's Atlanta Regional Engineer at least 60 days prior to the start of any construction and a final report within 60 days of completing decommissioning activities. Those measures are required by ordering paragraphs (B) and (F) through (H) of this order.

G. Public Interest Determination

30. Section 6 of the FPA allows licensees to voluntarily surrender existing licenses and cease operating project works "only upon mutual agreement between the licensee and the Commission after thirty days' public notice."⁴³ The Commission, in acting on a surrender application, applies a broad "public interest" standard⁴⁴ and may require such conditions not inconsistent with the FPA as it finds to be in the public interest.⁴⁵

31. A licensee requests surrender of a Commission-issued license when it decides it no longer wishes to hold that license, which can happen for a variety of reasons. When a licensee voluntarily decides to surrender its license, the Commission's regulations require

⁴² The most recent dam safety inspection was performed on August 17, 2022. The project works inspected were found to be in satisfactory condition and there were no dam safety concerns or follow-up action items resulting from the inspection. *See* Commission staff August 18, 2022 Dam Safety Inspection Follow Up Letter.

⁴³ 16 U.S.C. § 799.

⁴⁴ *FPL Energy Me. Hydro, LLC*, 106 FERC ¶ 61,038, at P 20 (*FPL Energy*), *reh'g denied*, 107 FERC ¶ 61,120 (2004), *aff'd on other grounds*, *Save our Sebasticook v. FERC*, 431 F.3d 379 (D.C. Cir. 2005). The broad public interest standard is not the same as the public interest/comprehensive development standards applied to licensing proceedings by FPA sections 4(e) and 10(a)(1). *Id.* (citing *Niagara Mohawk Power Corp. & Fourth Branch Assoc. (Mechanicville)*, 100 FERC ¶ 61,185, at PP 12-13 (2002)).

⁴⁵ 16 U.S.C. § 803(g).

the licensee to file a surrender application that includes a decommissioning plan.⁴⁶ Possible forms of decommissioning range from simply shutting down the power operations to removing all parts of the project, including the dam, and restoring the site to its pre-project condition. The Commission will only approve a license surrender once the licensee has fulfilled its obligations as established by the Commission.⁴⁷

32. As Commission staff concluded in the EA, the environmental protection, mitigation, and enhancement measures proposed by Georgia Power in its license surrender applications, along with staff's recommendations, will adequately protect environmental resources affected by decommissioning of both the projects and will restore both the Langdale and Riverview Projects' project lands to a good condition.⁴⁸

33. Staff found that decommissioning the projects will recreate a natural, free-flowing condition in the Chattahoochee River, increasing available aquatic and riparian habitat and improving water quality.⁴⁹ The improvements in aquatic and riparian habitats will add to the aesthetic value of the projects' area landscape, as will removal of the two projects' non-operational features.⁵⁰ We agree.

34. After considering the environmental benefits and the potential adverse effects raised by opponents of project removal, we find that surrendering the licenses and decommissioning the projects as described in this order are in the public interest. Additionally, we note that the Commission cannot obligate a licensee to continue to operate its project.⁵¹ As stated in its application, Georgia Power requests authority to

⁴⁶ 18 C.F.R. § 6.1 (2025) ("Licenses may be surrendered only upon the fulfillment by the licensee of such obligations as the Commission may prescribe, and, if project works authorized under the license have been constructed in whole or in part, ... upon such conditions with respect to the disposition of such works as may be determined by the Commission"); *see also PacifiCorp*, 181 FERC ¶ 61,122, at P 66 (2022) (requiring mitigation measures intended to address adverse effects on private land as part of the license surrender and project decommissioning).

⁴⁷ *See Project Decommissioning at Relicensing*, FERC Stats. & Regs. ¶ 31,011 (1994) (cross-referenced at 69 FERC ¶ 61,336).

⁴⁸ EA at 38.

⁴⁹ *Id.* at 36-37.

⁵⁰ *Id.* at 37.

⁵¹ *FPL Energy*, 106 FERC ¶ 61,038 at P 31, *reh'g denied*, 107 FERC ¶ 61,120, *aff'd sub nom Save our Sebasticook v. FERC*, 431 F.3d 379.

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surrender the two project licenses because it determined that continued project operation is uneconomical, particularly considering both projects' non-operational status. We also note that no entity has offered to take over and operate the projects. For the reasons discussed above, we find that Georgia Power's proposal, as conditioned herein, is consistent with the public interest.

35. This order makes the project surrender contingent upon the licensee providing documentation to the Commission's D2SI Atlanta Office Regional Engineer that it has decommissioned the project facilities as required by this order. The surrender will not be effective until the Regional Engineer issues a letter finding that the conditions of this order have been satisfied.

VII. Conclusion

36. We find surrender of the Langdale and Riverview Project licenses to be in the public interest and grant Georgia Power's surrender application, subject to the conditions set forth in this order.

The Commission orders:

(A) Georgia Power's (licensee) application to surrender the license for the Langdale Hydroelectric Project No. 2341 and the Riverview Hydroelectric Project No. 2350, filed on December 18, 2018, and as supplemented, is approved, subject to the requirements of the ordering paragraphs below.

(B) The surrender shall not be effective until the Commission's Division of Dam Safety and Inspections (D2SI) Atlanta Regional Office's Regional Engineer has issued a letter stating that the project's facilities have been decommissioned in accordance with this surrender order.

(C) The licensee must implement all of the mitigation measures proposed in its application for surrender, to protect environmental resources during the decommissioning. Within 90 days of the issuance date of this order, the licensee must file a revised Post Removal Monitoring Plan. The revised plan must incorporate a 30-day comment period for the resource agencies to review draft summary reports prior to filing the reports with the Commission.

(D) The licensee must implement the provisions of the "Memorandum of Agreement, Langdale Hydroelectric Project No. 2341 and the Riverview Hydroelectric Project No. 2350" executed on September 30, 2025.

(E) This surrender is subject to the conditions submitted by Georgia Department of Natural Resources Environmental Protection Division under section

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401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341(a)(1), as those conditions are set forth in Appendices A and B to this order.

(F) At least 60 days prior to the start of construction for the removal of the project features, the licensee must file final design documents with the Commission by eFiling to the Division of Dam Safety and Inspections' Atlanta Regional Office. The submittal must also include as part of preconstruction requirements: (1) a Quality Control and Inspection Program; (2) a Temporary Construction Emergency Action Plan; (3) a Soil Erosion and Sediment Control Plan; and, if necessary, (4) a Blasting Plan. The licensee may not begin construction until the D2SI Atlanta Regional Engineer has reviewed and commented on the plans and specifications, determined that all preconstruction requirements have been satisfied, and authorized start of construction.

(G) Should removal activities require cofferdams or deep excavations, the licensee must: (1) have a Professional Engineer, who is independent from the construction contractor, review and approve the design of contractor-designed cofferdams and deep excavations prior to the start of construction; and (2) ensure that construction of cofferdams and deep excavations is consistent with the approved design. At least 30 days before starting construction of any cofferdams or deep excavations, the licensee must file the approved cofferdam and deep excavation construction drawings and specifications, and the letters of approval, with the Commission by eFiling to D2SI's Atlanta Regional Office.

(H) Within 60 days of completing decommissioning activities, the licensee must file with the Commission by eFiling to D2SI's Atlanta Regional Office, a final report, with photographs, that documents that the project facilities have been decommissioned in accordance with this order and the decommissioning plan.

(I) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l, and the Commission's regulations at 18 C.F.R. § 385.713 (2025). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

By the Commission.

(S E A L)

Carlos D. Clay,
Deputy Secretary.

APPENDIX A**Water Quality Certificate Conditions for the Langdale Hydroelectric Project
Decommissioning
Issued by the Georgia Department of Natural Resources Environmental Protection
Division on February 5, 2024**

This project is granted certification with the following conditions:

1. To assure compliance with State water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).
 - a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).
 - b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).
2. To prevent sedimentation of state waters, the applicant shall ensure that it obtains coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16.
3. To assure compliance with State stream buffer rules, the applicant shall ensure that it abides by the requirements of any stream buffer variance applicable to the Project, including provisions to ensure protection, restoration, or mitigation of or related to the stream buffer, which facilitates the protection of water quality. 33

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U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05

4. Modifications to this Project may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activity including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

APPENDIX B**Water Quality Certificate Conditions for the Riverview Hydroelectric Project
Decommissioning
Issued by the Georgia Department of Natural Resources Environmental Protection
Division on February 5, 2024**

This project is granted certification with the following conditions:

1. To assure compliance with State water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).
 - a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).
 - b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).
2. To prevent sedimentation of state waters, the applicant shall ensure that it obtains coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16.
3. To assure compliance with State stream buffer rules, the applicant shall ensure that it abides by the requirements of any stream buffer variance applicable to the Project, including provisions to ensure protection, restoration, or mitigation of or

related to the stream buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05

4. Modifications to this Project may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activity including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

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