

**Communication: Decision on LIHI Proposal to Expand Eligibility for New Construction**  
**2020-05-28**

In its April 2020 meeting, the LIHI governing board accepted the Technical Committee's recommendation to not make any changes to the current LIHI eligibility date for dam or diversion construction.

Initiated by a board vote in December 2018 and driven by several inquiries by relevant parties, LIHI staff solicited public comment on a proposal to advance the eligibility date for dams or diversions in March of 2019. LIHI's current eligibility rules require a dam or diversion to have been constructed by August of 1998. The proposal would have allowed new dams or diversions to apply provided the construction occurred at least five years prior to application. In addition, such new construction would have needed to demonstrate a net benefit to the environment. The period to comment on the proposal closed on June 14, 2019. Ten comments were received.

Overall, the comments did not provide sufficient support for the proposed change, nor a clear consensus on an alternative approach to advance the eligibility date. The comments reflected a continued concern that LIHI Certification may be an incentive, or at least a contributing factor, to the building of new dams or diversions. It was clear that if the construction date were moved, a new criterion regarding the impacts of construction itself may be warranted.

Only a small number of newer dams and diversions in the US could become eligible under the proposal, meaning that few facilities would be expected to apply if the change had been adopted. Several new stream reach hydropower technologies are under development, but most remain at the conceptual stage and are not deployed in ways that would allow LIHI to critically evaluate their impacts.

LIHI will continue to monitor the development of these new technologies and the construction of new dams and diversions in general. LIHI will continue to assess whether any changes in eligibility may be warranted and will initiate another public comment process if deemed appropriate.

The LIHI staff and governing board appreciate the time and effort of those who participated in this review.