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Territorial practices and specialization as a response to EU normative changes. The case of hydroelectric concession dams' renewal in the French Alpine Drac Valley

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Introduction

Hydropower and the EU energy-climate transition

It has become impossible to ignore the relevance of space as a potent dimension of our energy systems. Energy issues are the heart of radical, profound and systemic dynamics which pervade across all scales and spaces. Geographers term them “global energy dilemmas” (Bradshaw, 2013). Concurrently, energy is consubstantial to our everyday practices and thus, enmeshed in day-to-day strategic and localized activities. This proximity and imbrication of energy concerns with other practices make it impossible to ignore the consequences of its governance on lifestyles (access to basic needs such as heating, cooking, transportation, energy prices, public safe availability, incidental services and standardized devices for metering or labeling, landscape protection and zoning, security) and that at every scale of action. Taking a spatial lens to governance unpacks these mundane energy experiences.

An energy transition is a dynamic process of encompassing change in the structure and functioning of an energy system. It is a transformative and gradual shift along established energy generation methods and prevailing energy consumption models. Several authors have here provided seminal analyses of the political extent of such transition (see for example, Mitchell, 2013). Therefore, geographers insist on that an energy transition is a historical but also geographical process, indistinctly mandating socio-spatial and political, technical and economical compounds. Nowadays, the necessity to face global changes that is climate change, scarcity of resources including land depletion, and biodiversity loss, call onto drastic modifications of our current energy system, heavily relying on fossil fuels. Thus, what is commonly addressed as the “energy-climate transition” or the “low-carbon transition” in Europe can be defined as the contemporary process towards decarbonizing the EU-wide energy system and, as such, it represents one of the main elements of the current Green Deal strategy (COM 2019 640 and annexes).

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As currently defined in prevalent Commission's communication documents (COM 2015 80; COM 2016 860), the European Union-lead energy transition is a complex undertaking towards ensuring a safe (security of supply), sustainable (energy efficient), comprehensive and affordable (through the construction of a liberalized market and prices) and clean and renewable (development of renewable and low-carbon energy sources and clean technologies) access of all European citizens to energy. Therefore, it is clear that the policy toolbox broadened as energy-related actions gained prominence across EU priorities. Further, to support the legitimacy of such schemes and prompt their compliant development, the energy transition was attached to evolving legal vectors prompting new policy instruments such as that of research and innovation frameworks, under which initiated the smart specialization program.

Renewable sources of energy and clean production technologies are at the heart of the EU strategy towards becoming the first climate-neutral market. In 2019, renewable energy accounted for 19.7 % of energy consumed in the EU-27, 0.3 % short of the 2020 target of 20 % (Eurostat, 2020). Within that framework, hydropower is the first renewable energy source in Europe with a total generation of more than 341 TWh per year which equals to 36,4% of the electricity generated from renewable energy sources (Eurostat, 2017) and 10% of the overall generation. As such, it contributes primarily to achieving the EU target albeit the qualification of large hydro alongside other renewable sources is often debated re. environmental consequences. Hydropower also has a strategic advantage, that of providing flexibility to the electricity system with reservoir-lakes storage capacity.

Therefore, hydropower dams and hydroelectricity – the white gold- are one of the most emblematic examples of old-new energy hotspots. Euphemized for many years after concentrating praises and concerns, mountain hydrodams are incrementally brought back into public debates thanks to green energy narratives (Flaminio, 2018) and flagship legislative proposals on renewables (Dir. 2009/28/EC, Dir. 2018/2001/EU) along with the vast European endeavor to liberalize the common electricity market. Further, renewed interests for existing decarbonized sources reshuffle the decks as a new geography of energy production is designed in Europe (for more elements on the spatial dimension of the energy transition, see Bridge *et al*, 2013; Bridge, 2018). Yet, for hydropower dams, it is more a matter of timely resurgence than of emergence as their presence in Alpine valleys has long contributed to the centrality of these areas as productive territories. Besides, the externalization of governance now mainly led from urban centers tend to question a centrality loss as few elements indicate extensive changes in the structure of such hydropower developments in a foreseeable future. In France, the French National Energy and Climate Action Plan targets an increase of 1.4 GW of installed capacity by 2028. Hence, it surreptitiously addresses the major constraint pertaining to the development of French hydraulics, i.e the near-saturation of rivers and the transition to small hydraulics.

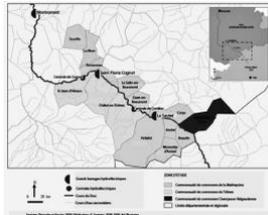
The case: Hydropower and local specialization in the Drac Valley

This paper focuses on another aspect of hydropower, that of its linkage with local specialization. It chooses to do so through an example, that of the opposition voiced in the Drac Alpine Valley in France [see location map on fig. 1], against the opening to competition of hydropower

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concession biddings under Directive 2014/23/EC - yet intricately linked with French law and the Energy liberalization packages.

Fig. 1: General location map of the Drac Amont concession studied area.



Source: © Santoire *et al*, 2020

Since 2010, the opening up of French concession procurements takes shape as a persisting controversy (Santoire *et al*, 2020) with already two infringement procedures launched against France for non-compliance with the competitive rules of the internal market (case 20152187 on hydropower concessions with regard to art. 102 and 106 TFEU) and non-compliance with the 2014 Directive (case 20182378). Yet, beyond the legal cases, the controversial and incomplete transposition of the European imperative to open up to competition concession procurements (Dir. 2014/23/EU) has triggered a shift in the spatial understanding of dams. As ideas fluctuate to skirt round the European obligation, grassroots stakeholders and governmental cabinets strategically promote a linear understanding of hydropower assemblages (Loi n°2015-992 du 17 août 2015) and develop a strongly localized argument. They insist on that beyond a simple productive function and a punctual dissemination in the valley, dams are called to much more territorially diverse functions.

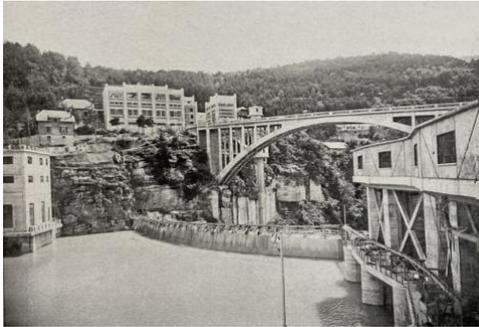
As such, opponents to the European concessions' agenda emphasize that hydropower is a historical part of the Drac Valley since 1920s and 1930s which saw the construction of the Sautet hydropower dam [see the archival picture on fig. 2]. Further, they defend that the local and enduring specialization of the valley in this activity as well as the "historical" presence of a unique exploiting company, Electricité de France (EDF) created in 1946 as a State-owned EPIC (Etablissement Public à caractère Industriel et Commercial), structure an excellent site-based knowledge. Beyond the economic and fiscal benefits from exploiting hydropower, the long-lasting relations between the exploitant and the local representatives and citizens have brought about a consistent practice of the territory. Economic practices have diversified over time as shown recently by the development of touristic and recreational facilities around the lake [fig. 3], in an area affected by de-industrialization (closure of coal mines in the Dauphiné basin) and agricultural decline since the end of the 1990s. Several other compartments of competence are mentioned: first, the attention to the role of hydrodams as water regulation bodies and the need to govern the diversification of usages on reservoir lakes (eg. multiple conventions contracted between the private company¹ and local bodies so as to guarantee specific lake levels such as that for tourism); second, environmental

¹ Since 2004, Electricité de France is a limited liability corporation under private law, 80% owned by the French State.

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concerns with biodiversity (safeguarding ecosystemic equilibrium in the catchment area, removing barriers on the river) and land planning (attention to sedimentation rate caps and restoration requirements); and finally, participation to the local economy through investments, sponsoring activities and taxation – vital in declining upland areas.

Fig 2: General view of the Sautet dam and facilities (South Eastern Bank), July 2, 1935



Source: © J-P. Zuanon, 2016 - EGTH collection © EDF archives

Fig. 3: General view of the Sautet hydropower dam and facilities on February 12, 2019. View taken from the South-Eastern bank.



Source: © E. Santoire, 2019

My research highlights that, even though the local hydropower specialization and its consequences existed far before the concession controversy, the appeal of local characteristics and knowledge became a regular part of each actors' advocacy following the announcement of a competitive renewal of concessions. Ultimately the "good knowledge of the territory" became a token of interpretation among competing values and interests in response to the normative change requested both under EU and national law. That is why this case provides a renewed perspective on a well-known question: that of the adaptation of large-scaled policies to local settings.

Further, this case questions what can be the instruments developed, appropriated and used by stakeholders across all scales of governance to bring about an effective energy transition, following the legal trends developed in EU policy. The hydropower concession example incorporates evidence on the difficult implementation of energy Community governance in the territories, while offering a laboratory for further policy innovations. While this contribution does not propose policy solutions, it identifies areas of cross-cutting interest with the concept of smart specialization. It sheds light on relations of proximity as of critical relevance in the analysis of territorial policies as defined by Barry and Gambino (2020), that is as "the relations or interferences between things

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in their immediate environment that have the potential to have political, scientific or legal resonances elsewhere”.

This empirical case-study is part of a broader Ph.D. project exploring the role of legal instruments in spatially orienting the energy transition. Drawing on geolegal insights (Forest, 2009) my work examines law-space interactions. As such, this communication paper reviews selected compartments of energy-law intricacies which, ultimately, can help understand the gap between highly localized concerns, regional development policies, national economic agendas, and regulatory EU-added value action. Further, this paper rejects the hypothesis of legal impacts on space but rather invites to be attentive to the empirical co-construction of governance tools and space along daily energy practices (Blomley and Clark, 1990, p.434). Fieldwork-based depictions of local stakeholders' interactions are deemed particularly suitable as a cradle for place-based policy innovations, with a deepened attention to the conditions under which a European legislation enters legal realms.

Organization

This paper is organized as follows. First, I briefly come back on the analytical perspective developed for this research, that of geolegal studies. Second, a methods section presents the empirical protocol deployed for the survey. Then, the article moves on presenting and discussing the obtained results. It delivers a portrait of the studied area, before analyzing the territorial narratives developed by the opponents to the opening up of concession biddings. The paper then discusses local territories as a metric of normative changes. Ultimately, I formulate three recommendations related to the ERSA 2021 general question, as a conclusion. This communication hopes to trigger insightful discussions during the Winter School and as such, should be strictly considered as the expression of a research in the making.

Brief literature review: Geolegal matters and energy governance

In geography, few researchers have considered the role of law in edifying new energy regimes in territories. In 2013, Bridge *et al* reported that “much contemporary discussion of energy transition is either aspatial or based on implicit assumptions about energy convergence”. And this is certainly not a coincidence. The scaling process of energy governance and responsibility patterns pervades in political arenas as a given and unchallenged reality. Yet, the 2013 paper authors insist that “governance is not pre-ordained and arises instead as a production of economic and political decisions”. Further, governance too often appears as an unqualified concept and few researches actually take on exploring the instruments, mechanisms and actors which constitute it.

Within that framework, the law is one of the least explored and questioned technicalities of governance. It enjoys a special status “due to the legitimacy and effectiveness attributed to the rule” (Melé, 2009). As such, the law is often perceived as objective because of its formalism. Despite their efficacy, legal corpuses suffer from several drawbacks which weaken a peremptory understanding of the ‘force of law’. Therefore, an increasing body of literature insists on understanding law as an organized construct, derived from social, spatial, temporal and other values

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(Valverde, 2015). The law becomes a "means" (Latour, 2004; Jabko, 2009) and a "process of governance" (Carbonnier, 2008) which can be deconstructed. And authors progressively recognize the "fundamentally indeterminate nature of the law" (Melé, 2009) making room for legal pluralism analyses.

In geography, a fast-growing field of enquiry strives to reformulate the interactions between space and law. Such perspective qualified as "geolegal" (Forest, 2009) aggregates diverse researches coming from common and civil law traditions to the point that some current researches deplore a quite "archipelagic feel to the field" (Delaney, 2010, p.12; Orzeck and Hae, 2019) and a lack of clearly-expressed methodologies (Santoire *et al*, 2020). Nonetheless, there is a complete consensus in the contemporary literature on one premise of the geolegal approach: the rejection of the notion of the "impact" of law on geography or of geography on law (Blomley and Clark, 1990, p.434) in favor of the "mutually constitutive" character of law and space (Bennett and Layard, 2015, p.408). Albeit difficult to pin point (Konzen, 2013, p.269), the co-constitutive nature of law and space highlights the socially constructed character of both elements, rejecting the idea of law as a peremptory textual frame detached from its practical actualization (Melé, 2009).

Geolegal researchers thus highlight the capacity of law to be used to orient and not order social practices. In this respect, Irus Braverman (2014) observed, for example, how spatiality (the spatial dimension of realities) intersects with the lived experience of norms. Other works insist on the context of production of legal texts and consider law as a temporally and spatially marked social production which contains direct and indirect spatial content (Garcier *in* Forest, 2009)– that is spatial and scalar representations tending to orient practices. Consequently, one of the objectives of the geo-legal approach is to defend the validity and pertinence of a geographical interpretation of legal texts as of interest for both epistemological developments and decision-making. In doing so, authors pay a close attention to the legal intertextuality, i.e. the inclusion of case studies in an extended legal corpus and to observing the practices situations in which such texts are made into a resource for action.

The European Union, well known for its normative creativity, provides an ideal terrain for observing the progressive legal framing of energy. Community law is as prescriptive as symbolic as most binding EU-wide requirements are made under common market competences while the EU competence on energy faces the Member States' reserve of sovereignty on their energy mixes² (art. 194 TFEU). Concurrently, local stakeholders rather use territorial rights than that of the market to regulate daily energy interactions (i.e. land ownership, infrastructure maintenance responsibilities, and zoning) and their arrangements with the legislation lead to diverge from intended European transition objectives. Hence, more than a simple constraint, judged incomplete or inefficient, legal rules are a resource from which a vast panel of tangible, spatial strategies is drawn up. Thence, field-based, empirical enquiries provide essential keys to unveiling the concrete existence of evolving territorial energy practices. Recognizing the place taken by law in energy governance in Europe allows for a sharp understanding of the factors behind national implementations, legal infringements and conflicts, diversity of energy mixes and constructed energy geographies. This

² Since 2007, energy is a shared competence under Treaty law.

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communication folds into this research positioning as it developed using the following explained protocol.

Methods

Text analysis: the geographical interpretation of texts

In this investigation, a capital place was devoted to the composition, analysis and interpretation of a legal corpus ranging across the whole hierarchy of norms and a wide variety of legal branches. The textual methodology was twofold: first, it adopted a pluralist perspective on legal sources and an intertextual perspective on energy law thus opening the corpus to non-directly energy legal instruments such as water regulations, land-planning binding schemes and market-based rules of competition. Second, it aimed at developing a geographical interpretation of the corpus by paying constant attention to the presence of explicit spatial elements in the text, to the way each text represents energy matters spatially (spatial representations) and further, to the way each content is scaled at a certain level of jurisdiction. The protocol developed to interpret the corpus is fully described in the published article from which this research is taken, cited at the end of this paper. Yet, to briefly summarize its content, the corpus is composed of European binding texts as well as infringement and jurisprudential cases, national law alongside national energy plans and excerpts from legislative negotiations, regional and local land-planning and water regulation schemes (*Cartes communales*, *Plans d'Occupation des sols* (POS), *Schéma Directeur d'Aménagement et de Gestion des Eaux* (SDAGE) and its local versions (SAGE), models of concession contracts and subsequent local maintenance contracts and the model of the 2012 GEDRE Approach (local consultation approach “*démarche d'écoute pour la gestion équilibrée de la ressource en eau*” expressing the willingness to involve the local level in water resource management issues raised by the renewal of hydroelectric concessions). As such, this textual analysis helped uncover networks of inter-legality between European texts and the legal resources mandated on the field to skirt round the European directive.

Semi-structured interviews campaign

Semi-structured interviews were used to access information from the target groups involved in concessions in the Drac Valley but also at the French National Assembly (MPs) and at the European Commission in Brussels. This type of interview was chosen to reach discursive data and prompt a precise elicitation of norms by the different stakeholders. As such, this paper is a small section of my doctoral research and benefitted from the series of interviews lead for its development.

Criteria for selecting the participants were 1) their capacity to represent a balanced sample of the differentiated stakeholders involved in the wording, implementation and opposition to the liberalization of concessions; 2) their expert and non-expert knowledge and use of legal instruments; 3) their “proximity” with the case as previously defined in the introduction. The sample is composed of 33 interviews lead in person in France - in the Drac Valley and Lyon in the

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Spring of 2014³ and of 2019-, in Brussels in February 2020, and online due to the French lockdowns in March and November 2020. Participants are French local representatives (mayors), French Member of Parliaments, French and European civil servants, journalists and representatives of four private energy companies. All interviews were recorded and further transcribed. More information on the completion rate, procedure and limitations can be found in the published 2020 paper.

With regard to ethics, ethical clearance was personally sought from each interviewee for the Drac 2019 fieldwork and presentation of the research aims made clear to all interviewees. As mentioned in the contact email, the highly political, even polemical, dimension of the concession case called for a total anonymization of my interviewees. Thus, they appear neither under their name nor under their official function in this essay. The presence of public political and entrepreneurial figures and current decision-making leaders among my interviewees corroborates this necessity. On that account, as a disclosure, the geographical dimension of my research may have dispelled some reluctances and facilitated my access to the data, although our published article comes back on the severe restrictions experienced in 2014 and 2019-20 with regards to access to sensible information. Finally, it must be added that as I am writing those lines, the Drac concession is all the more the same as it was in 2019 when I started this research, yet awaiting major new developments under the “Hercules” French governmental plan and potential moving lines due to the second infringement proceeding started by the EC. Oscillating between long-lasting periods of status-quo and sudden regulatory revivals, this case thus asserts a methodological necessary to complement researches on legal texts with ethnographies of daily actualization practices.

Results and discussion

The Drac Valley area: situation and specialization

The study site is located in the Auvergne-Rhône-Alpes region in France, bordering the Provence-Alpes Côte d'Azur/Sud region. It is situated at the southern end of the alpine *sillon*, at the door of the peripheral zone of the Ecrins National Park. From Corps, the southern city of our study, one can feel the meridional influence of Gap. More precisely, the Drac-Amont concession is located 60km south of Grenoble, in the Drac valley, between the Matheysine and Beaumont regions on the west bank and the Trièves region on the east bank. The municipalities selected for the study are those bordering the reservoir lakes of Le Sautet and Saint Pierre Cognet (see fig. 1). This area was chosen because it was one of the first concessions to expire back in the 2010s. As such, it was deemed pertinent to estimate a prototypical case of liberalized concession in France. Further, in this territory marked by the presence of a single *cessionnaire* (private exploitant) since the post-war period, the changing role of the *cessionnaire* and the multi-functionality of dams appeared with a particular stringency. Ultimately, various programs are developed on this territory since the 2010s, tending more and more to bridge hydro-electricity producing with local land planning (see for instance, the EDF national program “*Une rivière, un territoire*” launched in 2012).

³ This research continues on the work of a first thesis written by Jean Desroche in 2014. More information on the fieldwork methodology can be found in the published article referenced at the end of this paper.

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The Drac valley presents a landscape fragmented by high plateaus and deep valleys carved by the river - a relief favorable to waterfalls and therefore to hydroelectric turbinning. The hydroelectric facilities consist mainly of two reservoirs and three power stations (those of St Pierre Cognet, Cordéac and Le Sautet). These facilities produce approximately 650 GWh annually, equivalent to the consumption of 270,000 people, a quarter of the population of the Isère department. The analysis focused mainly on the Sautet dam and the Cordéac power plant, for which the concession contract established in 1932 expired in 2012. EDF has been the operator since 1946. While it has not been possible to access the total revenue generated by these facilities, a previous study estimated it at 32 million euros (Desroche, 2014), based on the method of calculation used by the Cour des Comptes (*Référé* to the government of June 21, 2013).

In this "energy landscape" (Pasqualetti *in* Bradshaw, 2013), the reservoir lakes are not easily visible from a distance, due to the steepness of the terrain. It is at a bend of a winding road of several kilometers long that the facilities first appear. In representations also, these structures are not necessarily linked to a particularly positive memory. Each major interviewed for the research proudly referred to the history of dam construction and operation in the 1950s, as their families often took part in the local or immigrated workforce (esp. Italian). However, several mayors also evoked the deadly accidents which occurred during the construction of the dam as they reckoned the ruins of flooded village resurfacing when the lake shore is low (Interview with a former major of the Trièves valley, 2019). Two more recent disasters have also left their mark on the minds and in the landscape: a deadly mudslide in 1994 that destroyed part of the village of La Salle en Beaumont and the 1995 catastrophe that killed seven people unaware of a water discharge that day.

Thus, hydroelectricity brings out a quite complex memory that oscillates between attachment to the "historic" concessionaire and current difficulties as for more than 20 years, hydroelectric production has been remotely controlled from Lyon, 170 km away. The three sites now employ 30 people and three majors deplored that situation. Nonetheless, the management of dams has more extensive consequences than direct employment since it relies on indirect jobs, first within EDF and second, with subcontractors. The latter can be estimated at about ten companies. For both the Drac and nearby Romanche valley, the exploitant estimates its local subcontracting expenses at 53 million Euros (Interview with an EDF manager, 2014). Thus, albeit dams may be associated with difficult memories, they also largely condition local employment and are a primary contributor to the local economy.

Indeed, this territory is at the crossroads of several economic dynamics. First of all, it is an agricultural area, which has been in decline since 2006. One mayor in the Beaumont insisted on the fact that there was only one farmer left in his commune, against 100 in 1900 (commune of roughly stable 300 inhabitants from 1900 to 2020). In addition, the Drac Amont concession is located at the gates of the "Drac noir", the name given to the Dauphiné coalmines, which have been closed since the end of the 1990s, leading to job losses. There, the hydroelectric activity is also a source of financial support for the municipalities receiving taxes from the presence of installations (turbines, transforming substations and distribution and transport pylons) on their territory. In addition, the survey shows that the current concessionaire has developed a strong sponsoring activity in the area as expressed on numerous occasions by the mayors. A local

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representative of EDF interviewed in 2020, highlighted the support granted to the touristic development of the area. He especially cited a sporting event called the "trail of footbridges" ("*trail des passerelles*") created upon the initiative of the current operator and which generated more than one million revenues and brought about 6,000 runners to the area in 2019. Indeed, the Drac valley must be distinguished from neighboring high mountain areas, along the Oisans or Dévoluy slopes, which benefit from the economy linked to winter sports. Conversely, the construction of the Drac valley as a summer tourist destination is a wide undertaking, centered around the amenities enabled by the reservoir lakes. Thus, that is how the guarantee of a sufficient lake shoreline to allow swimming and boating on the lake found itself at the heart of the arguments deployed by opponents to the opening up of hydroelectric concessions to competition.

Local knowledge and good management: the narratives developed by the opponents to the opening up of concession bids

This section partly relies on an English translation of the 2020's published article. Results from the semi-structured interviews series reveal that a relatively stable local political economy structure the relations between public and private actors and allows for a better understanding of the current upheavals. If the mayors have no share in the negotiations around the renewal of concession contracts and manifest a lack of understanding of the legal process (most of the mayors have not read the legal texts relating to hydroelectricity and market competition), they overwhelmingly affirmed an attachment to EDF, for many reasons.

First (in terms of frequency of responses), their attachment to the historical concessionaire is related to some sort of economic patriotism towards the national electricity company, even though it became a public limited company in 2004. Secondly, comes a sense of trust and closeness developed between the elected officials and the staff of EDF. Several mayors declare: "we want to keep what we have always known, it works very well like that! ", "with EDF here, one arranges all the same!". Further, such trust translates into a "good management" narrative with regard to both security matters and knowledge of local realities. While the hydroelectric competences of other operators are not called into question, the interviewees express a great deal of wariness about "foreigners' ability" to adapt to the territory. Concurrently, in third place, mayors evoke their fear to seeing some practical arrangements and management conventions tied with the concessionaire disappear. Such conventions -which can be defined as a flexible legal device- give consistency to a variety of local advantages, whether in the form of small road maintenance contracts, premium connection to the Internet network, direct telephone line or as larger contracts such as the one for guaranteeing a sufficient touristic level on the lake. Competitors seem to be fully aware of these elements as one representative of a competing company interviewed for this survey stated that "There is a closeness that has been created with the current operators, it's natural, so there are two types of reactions: there is a reaction of loyalty and a reaction of pragmatism" [...] "when you have a hydraulic operator, either non-historical or foreign, and you know the value of the hydropower expertise of the companies in place, they have a good chance of winning".

However, it is clear that this "good territorial knowledge" narrative is intricately connected to the legal uncertainty surrounding concessions renewal. Indeed, an interviewee working for the current

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concessionaire showed a particularly good command of daily territorial interactions and metrics. – “with due diligence” as argued- while affirming that “we are in this territorial dynamic and I hope that we will remain so, I want to say [...] dams are structures that have been there for many years now. [...] they belong to the landscape. Then, indeed, at the company level, I think that some aspects have evolved over the last 10-15 years, particularly with the latent effect of competition [...]” (2020 interview). That of which is also pointed out by competitors. For instance, one of them interviewed in 2020, exclaimed “the interest shown by the operators in the territories [...] suddenly became, it grew as soon as the question of renewal was at stake”, “during all the years that preceded this change and the announcement of the renewal, well, we lived with the dams, we didn't ask ourselves too many questions, in the end, it has been almost 12 years, or even more if we go back a little further, that we have an uncertainty that weighs on these communities”. Further, this interviewee critiqued a type of *gold plating* in the actions of the current concessionaire with regards to environmental or touristic concerns as he called onto the necessary consideration of hydroelectric “implications” (eg. with regards to lake levels) and to the respect of binding norms and standards (eg. with regards to environmental obligations). Therefore, it appears that the normative change brought about by the energy market's liberalization agenda did not only triggered territorial discourses on hydroelectricity but also prompted a variety of tangible actions which, in anticipating a competitive bidding, put territorial metrics at play. Further, it also prompted normative changes.

Local territories as a metric of normative changes

This discussion section focuses on the legal translation of the territorially specialized nature of hydropower dam developments. Although not strictly territorial policies, several French proposals emerged paying a renewed attention to the operation of hydroelectric territories. The first proposal is included in the 2015 *Loi pour la transition énergétique et la croissance verte* which installed) the notion of linear hydropower assemblages (“*chaîne d'aménagements hydrauliquement liés*») in the *French code de l'énergie* (art. L521-16-1). It laid out the method for a barycentric division of “grouped” concession perimeters, respectful of valley units. On a short-term basis, this method of redistributing concessions enabled an expansion of expiry dates for current contracts and therefore postponed the concession's renewal. However, on a longer term, it recognized the imbrication of dams operating on the same river. One interviewed MP who participated in this proposal, insisted on that although the text defines the link between dams in terms of power generation, it accounts for an attempt to gain recognition for hydrological coherence and to acknowledge dams as essential elements of water management (interview lead in 2020). Thus, this normative change associated with the practices previously described bears witness to a radical change in the modes of representation of dams, moving from a rationale of point structure, energy-specific development, to that of land use planning.

The second French legislative proposal is that of the constitution of SEMH (*Société d'Economie Mixte Hydroélectriques*). This mechanism is based on a local approach of hydroelectric dams' administration. It aims at enabling local actors to enter into the share capital of the concession (up to 1/3rd) and thus, to directly associate interested municipalities in the management of concessions. This economic arrangement is fairly new in France, whereas until now, local authorities have been little involved in the administration of dams. This regulatory framework was recognized as stable

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by the *Cour des Comptes* in its budget execution reports. However, to date, none observation can be made on the implementation of such scheme since the current status quo has not yet allowed any concession renewal.

This analysis therefore concludes by pointing out the role of territorial tools of public action to oppose a European agenda, deemed to be too general and not inclined to respect local expedients. In this sense, there seems to be a "return" in representations of the materiality of dams, whose territorial inclusion is emphasized at several levels of governance. Using the territory as a narrative links the good management of facilities with advanced (historical) knowledge of local synergies. Indeed, a territorial interpretation of hydropower concessions highlights the interactions between energy production, watercourse management and economic equilibrium. In a context of legal uncertainty, a sound knowledge of the territory and experiences of proximity are used as arguments to reinforce the presence of the previous *concessionnaire*, thus no longer complying with the legislative framework drawn by a common European policy to provide equal access to concession markets. However, the opposition expressed in the Drac valley to the liberalization of concessions and its translation into the French legislative corpus account more for a desire to maintain national governance of large hydroelectric dams than for that of a management entirely delegated to local authorities. Thus, this example sheds light on several compartments of confrontation and inconsistency between (1) the immediate territorial interests, often linked to municipal policy and needs; (2) national attitudes in terms of energy policy; and (3) supranational harmonization schemes designed within European institutions.

Conclusion

The question raised by the 2021 ERSa Winter School is that of "how territorial policies can provide solutions to grand challenges in a way that lead to the transformation of places that become more resilient in adapting to social, economic and environmental change?" In conclusion, I would thus like to participate in answering this challenge, in the light and to the extent provided by this empirical case-study. I here humbly formulate three recommendations as to further informing public policy concerned with the energy transition. First, the Drac Amont example reveals that territorial policies could have the advantage to take into deeper consideration the systemic interactions created and experienced in proximity. Such locally-minded policies can be a cradle for integrated innovations such as bridging energy, water and environmental concerns. While inserted in wider governance frameworks such as under EU programs and national legislations, territorial policies could rely on their existing intricacies with land-planning tools to update existing sectoral instruments to global challenges. Second, this research bestows value to territorial instruments in that they can help renew the scalar framing of energy concerns. For instance, the call to recognize valley unity in the exploitation of hydropower dams operates a complete change in the scaling of hydropower generation concerns. In the light of the integrated Green Deal strategy, a deeper attention to how legal contents scale and sometimes limit the understanding of energy concerns could be one promising insight. Third and lastly, the Drac case-study sheds light on the co-construction of space and law. Here, my work particularly pointed out to the role of law in orienting spatial practices and as such critically evaluated the necessity to coordinate policies. In so doing, I defend that such territorial policies must pay attention to a commonly found pitfall: that of the

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detrimental consideration of spatial specificity under some renewed form of geographical determinism. Hydropower territories are all the more constructed by social interactions informed by governance patterns than they are such by indented mountainous geographical features. Hence, this research supports strong empirical insights on local situations in order to help avoid generalizations on social acceptance patterns, especially in the case of the energy-climate transition.

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