

Alabama Rivers Alliance * American Packrafting Association * American Rivers * American Whitewater * Anacostia Watershed Society * Appalachian Mountain Club * Atlantic Salmon Federation * California Outdoors * California Sportfishing Protection Alliance * Center for Environmental Law & Policy * Chattooga Conservancy * Connecticut River Conservancy * Endangered Habitats League * Foothill Conservancy * Friends of Butte Creek * Friends of Living Oregon Waters * Friends of Merrymeeting Bay * Friends of the Crooked River * Friends of the Eel River * Friends of the Kinni * Friends of the White Salmon * High Country Conservation Advocates * Hydropower Reform Coalition * Idaho Rivers United * Illinois Council of Trout Unlimited * Kenai River Watershed Foundation * Klamath Riverkeeper * Lower Mississippi River Foundation * Maine Rivers * Michigan Hydro Relicensing Coalition * Mousam and Kennebunk Rivers Alliance * Natural Resources Council of Maine * Nature Abounds * New England FLOW * New Hampshire Rivers Council * Nicollet Island Coalition * Pacific Coast Federation of Fishermen's Associations * Pacific Rivers * Pennsylvania Council of Churches * Planning and Conservation League * Potomac Riverkeeper * Religious Coalition for the Great Lakes * River Alliance of Wisconsin * Rivers Alliance of Connecticut * San Juan Citizens Alliance * Save Our Saluda * Save Our wild Salmon Coalition * Selkirk Conservation Alliance * Smith River Alliance * Tuolumne River Trust * Upstate Forever * Waterkeeper Alliance * Waterkeepers Chesapeake * WaterWatch of Oregon * WESPAC Foundation * Western Environmental Law Center * Wild Washington Rivers

May 16, 2017

The Honorable Fred Upton
Chairman
Subcommittee on Energy
House Committee on Energy and Commerce
2125 Rayburn House Building
Washington, DC 20515

The Honorable Bobby Rush
Ranking Member
Subcommittee on Energy
House Committee on Energy and Commerce
2125 Rayburn House Building
Washington, DC 20515

Dear Chairman Upton and Ranking Member Rush:

On behalf of our millions of members, we appreciate the opportunity to provide our thoughts on the Discussion Draft Hydropower Policy Modernization Act of 2017. While we agree that improving the hydropower licensing process is a laudable goal, this legislation falls short in several key respects. We hope that rather than advance this flawed legislation, the committee will instead work with all stakeholders to develop legislation that addresses complications and delays while safeguarding sovereign rights and proper stewardship of shared resources.

The Discussion Draft Hydropower Policy Modernization Act upends the carefully crafted balance between energy production and the other uses of our public resources by placing the Federal Energy Regulatory Commission (FERC) above all other federal and state agencies.

Further, it significantly constrains the ability of these agencies to protect rivers and their values such as fish, wildlife, and recreation, from the impacts of hydropower projects. Congressionally granted agency authorities to protect fish and wildlife and water quality, such as those in the Clean Water Act and the Endangered Species Act, are critical components of the licensing process and are required to ensure a fully-informed licensing decision. Constraining the authority of state, tribal, and federal agencies doesn't yield a better process; it just yields a less informed one, which in turn will create further delay. This is not in the public's interest.

We believe there is a better way to achieve the goal of reducing delays in hydropower licensing. Adequate communication and cooperation between federal agencies, including FERC, is the single most effective way to ensure a smooth and timely licensing process. FERC should grant study requests from federal, state, and tribal agencies that are necessary for them to carry out their independent reviews and promote memoranda of understanding (MOU) with tribes and states to improve coordination and prevent unnecessary delay.

We appreciate the Committee's efforts to receive input on the Hydropower Policy Modernization Act of 2017 while it is still in draft form. As currently written, the bill has serious flaws and we urge the Committee to continue to work with all stakeholders to address these flaws and find mutually acceptable reforms.

Sincerely,

Alabama Rivers Alliance
Birmingham, AL

American Packrafting Association
Wilson, WY

American Rivers
Washington, DC

American Whitewater
Cullowhee, NC

Anacostia Watershed Society
Bladensburg, MD

Appalachian Mountain Club
Boston, MA

Atlantic Salmon Federation
Calais, ME

California Outdoors
Lotus, CA

California Sportfishing Protection Alliance
Berkeley, CA

Center for Environmental Law & Policy
Seattle, WA

Chattooga Conservancy
Clayton, GA

Connecticut River Conservancy
Greenfield, MA

Endangered Habitats League
Los Angeles, CA

Foothill Conservancy
Jackson, CA

Friends of Butte Creek
Chico, CA

Friends of Living Oregon Waters
Grant Pass, OR

Friends of Merrymeeting Bay
Richmond, ME

Friends of the Eel River
Arcata, CA

Friends of the White Salmon
Trout Lake, WA

Hydropower Reform Coalition
Washington, DC

Illinois Council of Trout Unlimited
Oak Brook, IL

Klamath Riverkeeper
Somes Bar, CA

Maine Rivers
Yarmouth, ME

Mousam and Kennebunk Rivers Alliance
Kennebunk, ME

Nature Abounds
DuBois, PA

New Hampshire Rivers Council
Concord, NH

Pacific Coast Federation of Fishermen's
Associations
San Francisco, CA

Pennsylvania Council of Churches
Harrisburg, PA

Potomac Riverkeeper
Washington, D.C.

River Alliance of Wisconsin
Madison, WI

San Juan Citizens Alliance
Durango, CO

Friends of the Crooked River
Peninsula, OH

Friends of the Kinni
River Falls, WI

High Country Conservation Advocates
Crested Butte, CO

Idaho Rivers United
Boise, ID

Kenai River Watershed Foundation
Cooper Landing, AK

Lower Mississippi River Foundation
Clarksdale, MS

Michigan Hydro Relicensing Coalition
Pentwater, MI

Natural Resources Council of Maine
Augusta, ME

New England FLOW
Lancaster, MA

Nicollet Island Coalition
Rock Island, IL

Pacific Rivers
Portland, OR

Planning and Conservation League
Sacramento, CA

Religious Coalition for the Great Lakes

Rivers Alliance of Connecticut
Litchfield, CT

Save Our Saluda
Marietta, SC

Save Our wild Salmon Coalition
Seattle, WA

Smith River Alliance
Crescent City, CA

Upstate Forever
Greenville, SC

Waterkeepers Chesapeake
Takoma Park, MD

WESPAC Foundation
White Plains, NY

Wild Washington Rivers
Index, WA

Selkirk Conservation Alliance
Priest River, ID

Tuolumne River Trust
San Francisco, CA

Waterkeeper Alliance
New York, NY

WaterWatch of Oregon
Portland, OR

Western Environmental Law Center
Eugene, OR