



Steve Moyer
Vice President of Government Affairs

November 6, 2017

Dear Representative:

Re: Trout Unlimited opposes the “Hydropower Policy Modernization Act of 2017” (H.R. 3043) and we urge members of the House of Representatives to vote against this legislation.

H.R. 3043 is due for House floor consideration this week. We urge you to reject the bill and instead to develop a bill worthy of broad stakeholder support.

Hydropower is an essential component of our nation's energy mix. Hydropower produces energy with low hydrocarbon emissions, but can and does cause massive impacts to watershed health and fisheries habitats. Striking a balance between power and nonpower values, such as fisheries habitat, is essential.

To that end, the Federal Power Act assigns oversight and conditioning roles for the natural resource agencies to ensure adequate protections or conditions related to project effects on underlying lands, waters and related resources. These authorities, in particular sections 18 and 4e of the Federal Power Act, and section 401 of the Clean Water Act, contain some of the most useful fisheries conservation provisions in state or federal statute and are critical to minimize and mitigate impacts to trout and salmon habitats, covering issues like fish passage, instream flow below the project and water quality and quantity issues.

H.R. 3043 would significantly disrupt efforts to balance power and nonpower values in the licensing process and for all the wrong reasons. If the goal of the bill is to make the licensing process more efficient and expeditious, Congress should support the funding and information needs of the resource agencies, not penalize or further constrain their participation. H.R. 3043 instead would hamstring tribes, states, and federal resource agencies from review and conditioning of FERC licensed hydropower projects by imposing overly restrictive timelines, adding new process hurdles for debating agency requirements on applicants, and greatly restricting the scope and basis on which resource agencies can require conditions or investments to protect non-power resources impacted by the project.

The harmful bill could not come at a worse time. Dozens of projects coming up for relicensing soon. Many of them haven't been reviewed since being originally licensed 30 – 50 years ago. It is more imperative now than ever to ensure strong review of these projects.

Instead of H.R. 3043 Congress should support smart process improvements that will benefit applicants and operators while supporting strong protections to balance nonpower values. Smart improvements would include support for incremental upgrades, promote ongoing investment and

ongoing study during the life of licenses so that we aren't starting from scratch every 30 to 50 years. A smart approach would ensure that the regulatory requirements for states, tribes and federal resource agencies to permit and condition these projects is fully supported early in the process to reduce conflict and delay. H.R. 3043 misses these opportunities, focusing instead placing arbitrary constraints on environmental review and conditioning agency authorities that will result in increased conflict during licensing.

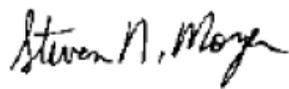
As we have said a number of times before, Congress should take adequate time to hear the views of the tribes, as well as the state and federal resource agencies about existing process hurdles and potential solutions before legislating changes to hydropower project licensing procedures and standards. Some in the industry blame delays and cost overruns on agency inaction and bad decisions, yet the committee has so far not called them to testify. If the committee wants to have a thoughtful legislative process, it needs to hear from the agencies who some claim to be the root of the problem. Although the Energy and Commerce committee and its subcommittee on Energy and Power held hearings on this bill and related hydropower legislation, those hearings did not include these constituencies. Again, we urge the committee and the House to take the time to do the deliberative process in the right way, and build broad support for bipartisan legislation.

The most balanced and efficient way to bring new hydropower online, is to ensure that the development is well-sited and appropriately mitigated from the start and to support and encourage early and often investment in evaluating and improving operations over time.

This bill fails the test of carefully balancing power and non-power values, such as trout and salmon fisheries and river restoration. Specifically, we urge the House to support and defend – and not weaken as this bill does- resource agency authorities and mandates - including the Clean Water Act, Endangered Species Act and Federal Power Act.

We urge you to vote against H.R. 3043.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Moyer". The signature is written in a cursive, slightly slanted style.

Steve Moyer