

\* Alabama Rivers Alliance \* Alaska Hydro Project \* Alpine Lakes Protection Society \* Altamaha Riverkeeper \* American Rivers \* American Whitewater \* Appalachian Mountain Club \* California Hydropower Reform Coalition \* California Outdoors \* California Sportfishing Protection Alliance \* Cascadia Wildlands \* Center for Environmental Law & Policy \* Center for Sierra Nevada Conservation \* Central Sierra Environmental Resource Center \* Clean Oceans Competition \* Columbia River Bioregional Education Project \* Connecticut River Watershed Council \* Conservation Law Foundation \* Conservation Northwest \* Defenders of Wildlife \* Downeast Salmon Federation \* Earthjustice \* Environment America \* Farmington River Watershed Association \* Foothill Conservancy \* Friends of Living Oregon Waters \* Friends of Merrimack Bay \* Friends of the Earth \* Friends of the Eel River \* Friends of the Kinni \* Friends of the River \* Friends of the White Salmon \* Georgia River Network \* Golden West Women Flyfishers \* Greater Edwards Aquifer Alliance \* Hells Canyon Preservation Council \* Hydropower Reform Coalition \* Idaho Rivers United \* Kalmiopsis Audubon Society \* Kentucky Waterways Alliance \* Kettle Range Conservation Group \* Klamath-Siskiyou Wildlands Center \* Los Padres ForestWatch \* Lower Columbia Canoe Club \* Lower Mississippi River Foundation \* Maine Rivers \* Maryland Conservation Council \* Michigan Hydro Relicensing Coalition \* Mono Lake Committee \* Natural Resources Defense Council \* Naugatuck River Revival Group \* New England FLOW \* North Cascades Conservation Council \* North Coast Rivers Alliance \* Northwest Environmental Advocates \* O.A.R.S \* Olympic Forest Coalition \* Oregon Forest Coalition \* Oregon Kayak and Canoe Club \* Oregon Wild \* Pacific Rivers Council \* Planning and Conservation Council \* Protect American River Canyons \* River Alliance of Wisconsin \* River Management Society \* Rogue Riverkeeper \* Save Our Wild Salmon \* Sierra Club \* Sierra Nevada Alliance \* Smith River Alliance \* Snake River Waterkeeper \* South Yuba River Citizens League \* Southern Environmental Law Center \* Spearfish Canyon Society \* Spokane Riverkeeper \* Steamboaters \* The Lands Council \* The Mountaineers \* The Rivers Institute \* Tualatin Riverkeepers \* Tuolumne River Trust \* Umpqua Audubon Society \* Vermont Natural Resources Council \* Washington Wild \* WaterWatch of Oregon \* WESPAC Foundation \* Wild Fish Conservancy \* Wild Steelhead Coalition \* Wild Washington Rivers \*

May 28, 2015

The Honorable Lisa Murkowski and Committee  
Chairman, U.S. Senate Committee on Energy and Natural Resources  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable Fred Upton and Committee  
Chairman, U.S. House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Senators and Representatives:

On behalf of our millions of members across the country, we are writing you in strong opposition to the draft hydropower legislation being considered by the House Energy and Commerce Committee, as well as S. 1236 being considered by the Senate Energy and Natural Resources Committee.

If enacted, these bills would upend the carefully crafted balance between competing interests on public waterways that has been in place since President Wilson signed the Federal Power Act in 1920. If they were to become law, they would open new loopholes that would allow hydroelectric operators to avoid complying with the Endangered Species Act, the Clean Water Act, and any and all federal land management statutes crucial to protecting our nation's valuable natural resources.

Further, these bills are an unprecedented federalization of State authority over water. The bills strip the States and many Native American tribes of their historic right to manage and control water resources and to protect water quality, giving it to the unelected and virtually unaccountable Federal Energy Regulatory Commission (FERC) headquartered in Washington, DC.

By exempting power companies from environmental laws, the Committee draft would shift the responsibility for complying with these laws onto farmers, ranchers, industrial facilities, municipal water and sewer providers, and small businesses.

The House Energy and Commerce Committee draft and S. 1236 strip public land management agencies of their authority to manage water on public lands. These bills give the final authority on how public lands will be managed to FERC, an agency that has a mandate to permit energy projects, not manage federal property.

By removing the final authority to protect fisheries from the National Marine Fisheries Service, the agency tasked with managing fisheries, these bills give FERC the final say on how the impacts of hydropower dams on recreational fisheries and commercial fisheries can best be managed.

The House Committee draft also gives unprecedented, sweeping authority to FERC to reopen any and all licenses that have already been issued, even if they are the result of a settlement agreement signed by multiple parties. Under the House Committee draft, a hydropower operator can petition FERC to reopen the license and retroactively reject provisions that the States or natural resource agencies felt were necessary to protect the public interest. In addition, both bills discourage FERC from using modern science and site-specific studies to analyze dams' impacts on natural resources

Incredibly, S.1236 waives FERC's ex parte rules for communications between Commission staff and power companies applying for a new license. The bill thus allows secret, off-the-record meetings between FERC staff and energy corporations with no prior public notice or transcript.

Hydropower licenses are issued for up to 50 years. Hydropower facilities that are coming up for relicensing now were first constructed before the Clean Water Act, the Endangered Species Act, and virtually all other environmental laws. It is during relicensing proceedings that the public gets the opportunity to ensure that dam owners make the necessary changes to get their facilities up to modern standards. The opportunity to mitigate for the damage to the environment, while still providing reliable electricity, only arises once in a generation or two. If we don't get a license right, we are forced to live with that mistake for more than four decades.

The balance that has existed for almost a century protects the public's right to enjoy their rivers for recreation, drinking water, agriculture, and their natural beauty. This balance can and should be compatible with responsible electricity production. The House Committee draft and S. 1236 upend that balance by instead transferring all authority to FERC, which has neither the inclination nor the expertise necessary to protect the environment or the interests of the States.

Congress should reject these bills and with them the narrow interests of the large energy corporations that seek to maximize their profits and minimize their responsibilities to the public.

Sincerely,

Alabama Rivers Alliance	Hells Canyon Preservation Council
Alaska Hydro Project	Hydropower Reform Coalition
Alpine Lakes Protection Society	Idaho Rivers United
Altamaha Riverkeeper	Kalmiopsis Audubon Society
American Rivers	Kentucky Waterways Alliance
American Whitewater	Kettle Range Conservation Group
Appalachian Mountain Club	Klamath-Siskiyou Wildlands Center
California Hydropower Reform Coalition	Los Padres ForestWatch
California Outdoors	Lower Columbia Canoe Club
California Sportfishing Protection Alliance	Lower Mississippi River Foundation
Cascadia Wildlands	Maine Rivers
Center for Environmental Law & Policy	Maryland Conservation Council
Center for Sierra Nevada Conservation	Michigan Hydro Relicensing Coalition
Central Sierra Environmental Resource Center	Mono Lake Committee
Clean Oceans Competition	Natural Resources Defense Council
Columbia River Bioregional Education Project	Naugatuck River Revival Group, Inc
Connecticut River Watershed Council	New England FLOW
Conservation Law Foundation	North Cascades Conservation Council
Conservation Northwest	North Coast Rivers Alliance
Defenders of Wildlife	Northwest Environmental Advocates
Downeast Salmon Federation	O.A.R.S.
Earthjustice	Olympic Forest Coalition
Environment America	Oregon Forest Coalition
Farmington River Watershed Association	Oregon Kayak and Canoe Club
Foothill Conservancy	Oregon Wild
Friends of Living Oregon Waters	Pacific Rivers Council
Friends of Merrimeeting Bay	Planning and Conservation Council
Friends of the Earth	Protect American River Canyons
Friends of the Eel River	River Alliance of Wisconsin
Friends of the Kinni	River Management Society
Friends of the River	Rogue Riverkeeper
Friends of the White Salmon	Save Our Wild Salmon
Georgia River Network	Sierra Club
Golden West Women Flyfishers	Sierra Nevada Alliance
Greater Edwards Aquifer Alliance	Smith River Alliance
	Snake River Waterkeeper

South Yuba River Citizens League  
Southern Environmental Law Center  
Spearfish Canyon Society  
Spokane Riverkeeper  
Steamboaters  
The Lands Council  
The Mountaineers  
The Rivers Institute  
Tualatin Riverkeepers

Tuolumne River Trust  
Umpqua Audubon Society  
Vermont Natural Resources Council  
Washington Wild  
WaterWatch of Oregon  
WESPAC Foundation  
Wild Fish Conservancy  
Wild Steelhead Coalition  
Wild Washington Rivers