

Committee on Energy and Commerce
Opening Statement
of
Subcommittee on Energy Ranking Member Bobby Rush

Improving the Hydropower Licensing Process

June 7, 2018

Thank you, Mr. Chairman, for holding today's hearing on improving the hydropower licensing process.

Although, I must admit that this hearing would have been even more helpful if it had occurred before this Subcommittee passed legislation making sweeping changes to the licensing process, such as HR 3043 last year.

Mr. Chairman, as we have previously discussed on many occasions, hydropower is supported by Members on both sides of the aisle.

However, the process for how we license these projects is too important for us to get it wrong by making changes that could lead to negative unintended consequences.

After all, we must remember that hydroelectric licenses can span between 30-50 years, and under existing law a license holder can be granted automatic yearly extensions in perpetuity without ever even having to re-apply.

Mr. Chairman, any potential changes to this process must include a balanced approach that protects the rights of Federal resource agencies, States, and Native Tribes to impose conditions in accordance with modern environmental laws.

As you may remember, Mr. Chairman, I offered such an approach in the form of an Amendment in the Nature of a Substitute to HR 3043 on the Floor of the House last December.

While that amendment was defeated, I continue to urge the majority to work with our side to address this issue in a bipartisan manner if we are to truly enact legislation that can pass both chambers of Congress and truly help improve the licensing process.

Mr. Chairman, I remain very leery of supporting any approach that would make FERC the lead agency over the licensing process and would require Native Tribes, the States, and federal resource agencies to pay deference to the Commission.

This is especially true when it comes to matters where FERC has absolutely no expertise or statutory authority, including on issues regarding agricultural water use, drinking water protection, fisheries management, and recreational river use.

Additionally, Mr. Chairman, in past testimony before this Subcommittee we have heard repeatedly that a major cause for licensing delays was due to incomplete applications that do not include all the pertinent information necessary to issue a final decision.

While none of the bills previously passed out of this Subcommittee have done anything to address this issue, the minority side has offered an approach that would address this critical concern.

In the amendment that I offered during Floor debate of HR 3043, FERC and the other federal resource agencies would be directed to convene a negotiated rulemaking with all stakeholders, including State and local government representatives, as well as Native tribes.

These stakeholders would then collaboratively develop a process to coordinate all necessary Federal authorizations and enable the Commission to make a final decision on a license not later than 3 years of receiving a completed license application.

Mr. Chairman, I will continue to oppose any modifications to the process that would give priority of our public waterways to industry, over and above the rights and interests of Native Tribes, farmers, fishermen, boaters, and other stakeholders who also rely on our public rivers and streams.

I look forward to engaging today's panelists on the best way forward to improving this process in a fair, balanced, and transparent manner and with that I yield back the remainder of my time...