

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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April 27, 2017

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

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

Dear Chairman Walden and Chairman Upton:

As Members of the Subcommittee on Energy with strong interest in facilitating improvements in hydropower operations, development, and licensing, we write to urge you to schedule another hearing on this critical topic. We believe a hearing with representatives of states, resource agencies, and Native American Tribes is vital to having a full understanding of how the 2005 hydropower license process reforms are working and what changes may be necessary to further improve the licensing and relicensing process to reduce delays and costs for all parties involved.

Hydroelectric power provides substantial, virtually carbon-free, baseload energy at low cost to our manufacturing sector and to residential and commercial consumers. It is an important asset that we believe is essential to maintain.

At the same time, however, it is clear that while hydroelectric generation is essentially free of air emissions relative to fossil generation, it is not impact-free. Absent mitigation, hydropower has major negative impacts on fish and wildlife populations, water quality and other important physical and cultural resources, particularly if it is poorly operated or sited. In addition, increased demands for water creates significant challenges of water supply management in some regions. All of these competing interests must be balanced in issuing a license. The Federal Power Act (FPA) respects states' authorities to manage water resources according to state laws allocating water rights. And, the FPA authorizes states and federal

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natural resource agencies to place conditions on hydroelectric licenses to preserve water quality, protect public lands and Native American reservations, and ensure proper fish passage to preserve healthy ecosystems and fisheries.

We were very encouraged by the substance and tone of the Subcommittee's March 15, 2017 hearing entitled "Modernizing Energy Infrastructure: Challenges and Opportunities to Expanding Hydropower Generation." The comments and contributions from witnesses and Members on both sides of the aisle were constructive, measured, and thoughtful leading us to believe that great potential exists to develop legislation to improve the process for licensing hydroelectric generation and pumped storage in this country.

However, the hearing provided an incomplete record with regard to the process of hydroelectric licensing. In order to move forward on considering any legislative changes to current law in a knowledgeable manner, the Committee must hear from those who propose the conditions included in licenses: states, federal resource agencies, and Native American Tribes. Each of these entities has a unique role in the licensing process stemming from its equally unique responsibility for overseeing water rights and managing the many demands on a river and its use. Neither power generation, nor any other single use of a river, should dominate the decision making process.

We look forward to working with you on this matter and respectfully urge you to hold a second hearing with these witnesses prior to consideration of any legislative proposal. Thank you for your attention and consideration.

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Bobby L. Rush
Ranking Member
Subcommittee on Energy



Jerry McNerney
Member of Congress



Scott Peters
Member of Congress



Gene Green
Member of Congress



Michael F. Doyle
Member of Congress



Kathy Castor
Member of Congress



John P. Sarbanes
Member of Congress



Peter Welch
Member of Congress



Paul Tonko
Ranking Member
Subcommittee on Environment



Dave Loebsack
Member of Congress



Joseph P. Kennedy III
Member of Congress



G. K. Butterfield
Member of Congress