

OPPOSE H.R. 3043, THE “HYDROPOWER POLICY MODERNIZATION ACT OF 2017”

Dear Colleague:

We urge you to oppose H.R. 3043, the Hydropower Policy Modernization Act of 2017, a bill that places private profits over the public interest. **H.R. 3043 is a direct assault on states’ rights, tribal rights and undercuts major environmental laws including, the Clean Water Act, the National Environmental Policy Act and the Endangered Species Act.** It prioritizes the use of rivers for power generation above the needs of all other water uses.

H.R. 3043 is [opposed](#) by states, tribes, the outdoor recreation industry and more than 150 national and local environmental organizations. Other opponents of the bill include the League of Conservation Voters, the National Wildlife Federation, American Rivers, Trout Unlimited, Western Governors Association, the Southern States Energy Board, the National Congress of American Indians, the Environmental Council of the States and the Outdoor Alliance, among others.

The bill allows utilities with hydropower projects last licensed 30 to 50 years ago to avoid upgrading their facilities to accommodate the needs of agricultural and drinking water users, mitigating environmental damage to water quality and fisheries, and coming into compliance with modern environmental laws. It limits the ability of federal agencies, states and tribes to participate in the process; to obtain the information needed to craft conditions to protect clean water, fisheries; and to ensure continued water management for navigation and flood control.

H.R. 3043 sets up a biased, flawed schedule and application process for hydropower licenses. It expands the Federal Energy Regulatory Commission’s (FERC) authority to impose schedule discipline on federal agencies, states and Indian tribes by mandating that they comply with a schedule set by FERC. In contrast, the bill applies no meaningful schedule discipline on the license applicant. In fact, the bill enables an applicant to game the license process by delaying submission of information to federal agencies, states and tribes until FERC’s deadlines have passed to decrease their environmental compliance costs.

H.R. 3043 expands litigation opportunities for industry, and provides a biased, costly, trial-type hearing process to secure decisions in a utility’s favor. Current law allows a single opportunity to challenge an agency condition to avoid undue expense and delay in the licensing process. H.R. 3043 expands the opportunities to challenge agency decisions, allows multiple challenges, and moves the venue for these hearings. In a hearing before our Committee FERC’s witness testified in opposition to this provision stating:

“Shifting oversight of these trial-type hearings to the Commission would not eliminate the substantial expense associated with such hearings, but could encourage the proliferation of them. This could not only result in additional expense and delay, but

could also divert Commission resources from processing applications to dealing with hearings.”

Hydropower can deliver low-carbon, affordable power if it is well-sited and managed, but it can do enormous harm to fisheries, agriculture, recreational and cultural resources if not properly overseen. H.R. 3043 is an unbalanced bill. It will not deliver faster outcomes or improved environmental performance for hydropower facilities. The hydropower process can and should be more efficient, but electric utilities should not be permitted to operate without license conditions that ensure other public interests are met.

For more details, please review this fact sheet on [H.R. 3043](#). **We urge you to VOTE NO on this unnecessary and flawed legislation.**

Sincerely,

FRANK PALLONE, Jr.
Ranking Member
Committee on Energy and Commerce

BOBBY L. RUSH
Ranking Member
Subcommittee on Energy