



November 2017

Fact Sheet

H.R. 3043, the “Hydropower Policy Modernization Act of 2017”

Committee on Energy and Commerce, Democratic Staff

H.R. 3043 **is a direct assault on states’ rights, tribal rights, and major environmental laws, including the Clean Water Act, the National Environmental Policy Act and the Endangered Species Act.** There is no justification for allowing hydropower facilities to use public water resources to generate power and profits without mitigating the negative impacts of their facilities on others who rely on our rivers and without complying with modern environmental laws.

H.R. 3043 allows existing hydropower facilities last-licensed 30 to 50 years ago to avoid upgrading 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. H.R. 3043 places private profits over public interest with respect to the resource that is essential to everything we do – water.

Numerous groups have criticized the bill including the Western Governors Association, the Environmental Council of the States, the States of Maryland, Vermont, Washington and California, the Southern States Energy Board, over 140 environmental groups, and many Native American Tribes including the Yakama, the Puyallup and the Skokomish.

H.R. 3043 Would Establish a Flawed Schedule and Application Process

The bill expands the Federal Energy Regulatory Commission’s (FERC’s) authority at the expense of other federal agencies, states and Indian tribes by mandating they comply with the schedule set by FERC for reviewing a license application. The timelines are set and enforced by FERC and the time periods designated in the bill are too short for comprehensive studies to be completed that would support strong resource and cultural protections.

The bill applies no meaningful schedule discipline to the license applicant. When a hydropower license expires, a licensee receives an automatically renewing annual license every year in perpetuity until a new license is issued. Any applicant that does not wish to provide all required information to support new water quality, fishery, recreation or other conditions can run out the clock without penalty and even be rewarded by delay in the form of decreased environmental compliance costs.

H.R. 3043 Institutes New, Burdensome, and Biased Trial-type Hearing Procedures

Trial-type hearings were instituted by the amendments to the Federal Power Act (FPA) included in the Energy Policy Act of 2005 (P.L. 109-58) at the industry’s request. H.R. 3043 amends and expands the hearing opportunities to provide industry with every advantage in securing decisions in its favor.