

*** Alabama Rivers Alliance * Alaska Hydro Project * Alpine Lakes Protection Society * Altamaha Riverkeeper * American Rivers * American Whitewater * Appalachian Mountain Club * Appalachian Paddling Enthusiasts * Atlantic Salmon Federation * 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 * Chesapeake Bay Foundation * Clean Oceans Competition * Columbia River Bioregional Education Project * Connecticut River Watershed Council * Conservation Law Foundation * Conservation Northwest * Defenders of Wildlife * Dolores River Boating Advocates * Downeast Salmon Federation * Earthjustice * Environment America * Farmington River Watershed Association * Float Fisherman of Virginia* Foothill Conservancy * Friends of Living Oregon Waters * Friends of Merrymeeting Bay * Friends of Sebago Lake *Friends of the Earth * Friends of the Eel River * Friends of the Kinni * Friends of the River * Friends of the Rivers of Virginia (FORVA) * Friends of the White Salmon * Georgia River Network * Gold Country Paddlers * Golden West Women Flyfishers * Greater Edwards Aquifer Alliance * Greater Yellowstone Coalition * Hells Canyon Preservation Council * Hydropower Reform Coalition * Idaho Rivers United * Kalmiopsis Audubon Society * Kennebec Reborn * 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 * Mecklenburg Regional Paddlers * Merrimack Valley Paddlers *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 * Penobscot Paddlers and Chowder Society * Planning and Conservation Council * Protect American River Canyons * River Alliance of Wisconsin * River Management Society * Rogue Riverkeeper * Save Our Wild Salmon * Selkirk Conservation Alliance * 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 *Springville Whitewater Park * Steamboaters * Susitna River Coalition * The Lands Council * The Mountaineers * The Rivers Institute * Tualatin Riverkeepers * Tuolumne River Trust * Umpqua Audubon Society *Vermont Paddlers Club * Vermont Natural Resources Council * Washington Wild * WaterWatch of Oregon * WESPAC Foundation * Wild Fish Conservancy * Wild Steelhead Coalition * Wild Washington Rivers *Zoar Valley Paddling Club**

July 1, 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	Farmington River Watershed Association
Alaska Hydro Project	Float Fishermen of Virginia
Alpine Lakes Protection Society	Foothill Conservancy
Altamaha Riverkeeper	Friends of Living Oregon Waters
American Rivers	Friends of Merrymeeting Bay
American Whitewater	Friends of Sebago Lake
Appalachian Mountain Club	Friends of the Earth
Appalachian Paddling Enthusiasts	Friends of the Eel River
Atlantic Salmon Federation	Friends of the Kinni
California Hydropower Reform Coalition	Friends of the River
California Outdoors	Friends of the Rivers of Virginia (FORVA)
California Sportfishing Protection Alliance	Friends of the White Salmon
Cascadia Wildlands	Georgia River Network
Center for Environmental Law & Policy	Gold Country Paddlers
Center for Sierra Nevada Conservation	Golden West Women Flyfishers
Central Sierra Environmental Resource Center	Greater Edwards Aquifer Alliance
Chesapeake Bay Foundation	Greater Yellowstone Coalition
Clean Oceans Competition	Hells Canyon Preservation Council
Columbia River Bioregional Education Project	Hydropower Reform Coalition
Connecticut River Watershed Council	Idaho Rivers United
Conservation Law Foundation	Kalmiopsis Audubon Society
Conservation Northwest	Kentucky Waterways Alliance
Defenders of Wildlife	Kennebec Reborn
Dolores River Boating Advocates	Kettle Range Conservation Group
Downeast Salmon Federation	Klamath-Siskiyou Wildlands Center
Earthjustice	Los Padres ForestWatch
Environment America	Lower Columbia Canoe Club

Lower Mississippi River Foundation
Maine Rivers
Maryland Conservation Council
Mecklenburg Regional Paddlers
Merrimack Valley Paddlers
Michigan Hydro Relicensing Coalition
Mono Lake Committee
Natural Resources Defense Council
Naugatuck River Revival Group, Inc
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
Penobscot Paddlers and Chowder Society
Planning and Conservation Council
Protect American River Canyons
River Alliance of Wisconsin
Zoar Valley Paddlers Club
River Management Society
Rogue Riverkeeper
Save Our Wild Salmon

Selkirk Conservation Alliance
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
Springville Whitewater Park
Steamboaters
Susitna River Coalition
The Lands Council
The Mountaineers
The Rivers Institute
Tualatin Riverkeepers
Tuolumne River Trust
Umpqua Audubon Society
Vermont Natural Resources Council
Vermont Paddlers Club Washington
Wild
WaterWatch of Oregon
WESPAC Foundation
Wild Fish Conservancy
Wild Steelhead Coalition
Wild Washington Rivers
Zoar Valley Paddlers Club