

**\* Alabama Rivers Alliance \* Alaska Hydro Project \* Alaska Wilderness League \* Alpine Lakes Protection Society \* Altamaha Riverkeeper \* American Outdoors Association \* American Rivers \* American Whitewater \* Apalachicola Riverkeeper \* Appalachian Mountain Club \* Appalachian Paddling Enthusiasts \* Atlantic Salmon Federation \* Berkshire Whitewater \* Black Warrior Riverkeeper \* California Hydropower Reform Coalition \* California Outdoors \* California River Watch \* California Sportfishing Protection Alliance \* Canoe Cruisers Association \* Carolina Canoe Club \* Cascadia Wildlands \* Catawba Riverkeeper Foundation \* Catawba-Wateree Relicensing Coalition \* Cecil Land Use Association \* Center for Environmental Law and Policy (CELP) \* Center for Sierra Nevada Conservation \* Central Sierra Environmental Resource Center \* Chesapeake Bay Foundation \* Columbia River Bioregional Education Project \* Connecticut River Watershed Council \* Conservation Law Foundation \* Conservation Northwest \* Conservatives for Responsible Stewardship \* Cook Inletkeeper \* Deerfield River Watershed Association \* Defenders of Wildlife \* Dolores River Boating Advocates \* Downeast Salmon Federation \* Earthjustice \* Eno River Association \* Environment America \* Farmington River Watershed Association \* Foothill Conservancy \* Foothills Paddling Club \* Forest Issues Group \* Friends of Living Oregon Waters \* Friends of Merrymeeting Bay \* Friends of Sebago Lake \* Friends of the Crooked River \* 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 Yellowstone Coalition \* GreenLatinos \* Hells Canyon Preservation Council \* Hydropower Reform Coalition \* Idaho Rivers United \* Kalmiopsis Audubon Society \* Kayak and Canoe Club of New York \* Kennebec Reborn \* Kentucky Waterways Alliance \* Kettle Range Conservation Group \* Klamath-Siskiyou Wildlands Center \* Kootenai Environmental Alliance \* Lake Coeur D'Alene Waterkeeper \* \* Long Island Soundkeeper \* Los Padres ForestWatch \* Lower Columbia Canoe Club \* Lower Mississippi River Foundation \* Lower Susquehanna Riverkeeper \* Maine Rivers \* Maryland League of Conservation Voters \* Mason Dixon Canoe Cruisers \* Matanzas Riverkeeper \* Mecklenburg Regional Paddlers \* Merced River Conservation Council \* Merrimack Valley Paddlers \* Michigan Hydro Relicensing Coalition \* Milwaukee Riverkeeper \* Mono Lake Committee \* National Audubon Society \* National Parks Conservation Association \* Naturaland Trust \* Natural Resources Council of Maine \* Natural Systems Design \* Nature Abounds \* Naugatuck River Revival Group \* New England FLOW \* North Carolina Conservation Network \* North Cascades Conservation Council \* North Coast Rivers Alliance \* Northwest Environmental Advocates \* O.A.R.S \* Ocean Conservancy \* Olympic Forest Coalition \* Oregon Forest Coalition \* Oregon Kayak and Canoe Club \* Oregon Wild \* Pacific Coast Federation of Fishermen's Associations \* Pacific Rivers Council \* Pennsylvania Council of Churches \* Penobscot Paddlers and Chowder Society \* Planning and Conservation Council \* Potomac Riverkeeper \***

**Protect American River Canyons \* Public Citizen \* Quad City Riverkeeper, Inc. \* Richmond Audubon Society \* River Alliance of Wisconsin \* River Guardian Foundation \* River Management Society \* Rivers Alliance of Connecticut \* Rogue Riverkeeper \* Savannah Riverkeeper \* Save Our Wild Salmon \* Selkirk Conservation Alliance \* Shenandoah Riverkeeper \* Shenandoah Valley Network \* Sierra Club \* Sierra Nevada Alliance \* Sleepy Creek Watershed Association \* Smith River Alliance \* Snake River Waterkeeper \* South Carolina Coastal Conservation League \* South Yuba River Citizens League \* Southern Environmental Law Center \* Spartanburg Area Conservancy \* Spearfish Canyon Society \* Spokane Riverkeeper \* Springville Whitewater Park \* Steamboaters \* Stewards of the Lower Susquehanna \* Suncoast Waterkeeper \* Susitna River Coalition \* The Lands Council \* The Mountaineers \* Three Rivers Waterkeeper \* Tualatin Riverkeepers \* Tuolumne River Trust \* UMass Outing Club \* Umpqua Audubon Society \* Upper Missouri Waterkeeper \* Upper Peninsula Environmental Coalition \* Upper Potomac Riverkeeper \* Upstate Forever \* Vermont Natural Resources Council \* Vermont Paddlers Club \* Wabash Riverkeeper \* Waccamaw Riverkeeper \* Washington Wild \* Waterkeepers Chesapeake \* WaterWatch of Oregon \* WESPAC Foundation \* Wicomico Environmental Trust \* Wild Fish Conservancy \* Wild Steelhead Coalition \* Wild Washington Rivers \* Zoar Outdoor \* Zoar Valley Paddling Club \***

July 29, 2015

Dear Senators:

On behalf of the millions of individuals our member organizations represent across the country, we are writing you to express strong opposition to the hydropower provisions of the Energy Policy Modernization Act of 2015, which was released by the Committee on July 22, 2015.

It should be noted that these provisions were added to your package without the benefit of a hearing that included federal agencies whose authorities will be stripped by the legislation, tribes whose sovereignty will be limited, and conservation and recreation interests who have participated in hydropower licensing. The only witness to testify on these bills was an executive from a large utility.

The bill's proposed changes to the Federal Power Act would allow hydropower dam owners to harm fish, wildlife, public lands, and Indian reservations with impunity, shifting the costs of their environmental damage to recreational and commercial fishing interests, Indian tribes, recreational users who enjoy rivers on our public lands, and federal and state taxpayers.

Specifically, the bill deprives tribes and federal natural resource agencies of much of their authority to protect rivers and fisheries and hold dam owners accountable for the damage hydropower dams inflict on rivers, fish, wildlife, and river communities. The

loss of this authority – which has been in place for nearly a century while our nation constructed thousands of megawatts of hydropower capacity – will have enormous consequences for fisheries from coast to coast and rivers on tribal and public land.

Section 3001(g) modifies section 18 of the Federal Power Act in a manner that would upend ongoing efforts across the country to restore iconic or commercially valuable stocks fish that have been denied access to their historic habitat by hydropower dams. While this provision would be unlikely to affect those agencies' authority to require fish passage at *new* dams, it sharply limits their ability to require existing dam owners to construct and operate fish passage at dams that have extirpated historic runs of migratory fish.

Fish passage is vital to building commercial fisheries and the recreational stocks that draw visitors to river communities and support jobs for guides, outfitters, hoteliers and retailers. With hydropower dams blocking access to spawning grounds, if the U.S. Fish and Wildlife Service and the National Marine Fisheries Service lose their power to require dam owners to build fish passage, they will also forfeit their efforts to restore commercially valuable fish, like salmon, steelhead, shad, and herring. In some parts of the country where many of these fish are endangered, this legislation will shift the burden of restoring those stocks away from private dam owners and onto the federal government, which owns and operates hydropower dams that also block access to their historic habitat.

Section 3001(c) of the bill modifies section 4(e) of the Federal Power Act, narrowing its scope in a manner that deprives federal natural resource agencies and tribes of their ability to protect federal lands, Indian reservations, and the rivers that run through them from the direct impacts of hydropower dams. The bill limits their authority to lands that are occupied by project works, which would exclude many lands and waters that are directly affected by hydropower projects. Section 3001(c) overturns the landmark case *Tacoma v. FERC*, which cemented into place protections for tribes, fish, wildlife, recreation and public lands.

This change would strip natural resource agencies of their authority to protect the rivers that run through national parks, forests, and wildlife refuges. Under this proposal, the U.S. Fish and Wildlife Service will be unable to protect fish and wildlife in wildlife refuges affected by hydropower dams. Land management agencies like the Forest Service and the Bureau of Land Management would not be able to require dam owners to leave water in many rivers affected by hydropower dams in order to protect fishing, boating, wildlife, and other recreation on public lands. The costs of damage to public lands would be paid by anglers, boaters and other recreational users.

If this provision were to become law, tribes would also no longer be able to protect their rivers, land, and communities from the impacts of hydropower dams that dewater streams or harm fisheries on which they depend for sustenance and commerce. This change is a direct assault on tribal sovereignty and leaves tribes powerless to advocate for their rivers in court and at the dam license negotiating table.

Hydropower licenses are issued for up to 50 years. Hydropower facilities that are coming up for relicensing now were first constructed before virtually all modern environmental laws were in place. 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. When a hydropower dam harms fish, wildlife, and public lands, we are forced to live with that mistake for more than four decades.

The balance between power and non-power values provided by the Federal Power Act has existed for almost a century. This balance protects the public's right to enjoy their rivers, a right which can and should be compatible with responsible electricity production. However, the Energy Policy Modernization Act upends that balance. Simply put, Sections 3001(c) and 3001(g) give large utilities an advantage in hydropower relicensing at the expense of fisheries, public lands, recreation, and tribal interests.

We urge the Committee to reject these provisions and with them the narrow interests of large energy corporations that seek to maximize their profits and minimize their responsibilities to the public.

Sincerely,

Alabama Rivers Alliance  
Alaska Hydro Project  
Alaska Wilderness League  
Alpine Lakes Protection Society  
Altahama Riverkeeper  
American Outdoors Association  
American Rivers  
American Whitewater  
Apalachicola Riverkeeper  
Appalachian Mountain Club  
Appalachian Paddling Enthusiasts  
Atlantic Salmon Federation  
Berkshire Whitewater  
Black Warrior River Waterkeeper  
California Hydropower Reform Coalition  
California Outdoors  
California River Watch  
California Sportfishing Protection Alliance  
Canoe Cruisers Association  
Carolina Canoe Club  
Cascadia Wildlands  
Catawba Riverkeeper Foundation  
Catawba-Wateree Relicensing Coalition  
Cecil Land Use Association

Center for Environmental Law and Policy (CELP)  
Center for Sierra Nevada Conservation  
Central Sierra Environmental Resource Center  
Chesapeake Bay Foundation  
Columbia River Bioregional Education Project  
Congaree Riverkeeper  
Connecticut River Watershed Council  
Conservation Law Foundation  
Conservation Northwest  
Conservatives for Responsible Stewardship  
Cook Inletkeeper  
Deerfield River Watershed Association  
Defenders of Wildlife  
Dolores River Boating Advocates  
Downeast Salmon Federation  
Earthjustice  
Eno River Association  
Environment America  
Farmington River Watershed Association  
Foothill Conservancy  
Foothills Paddling Club  
Forest Issues Group  
Friends of Living Oregon Waters  
Friends of Merrymeeting Bay  
Friends of Sebago Lake  
Friends of the Crooked River  
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 Yellowstone Coalition  
GreenLatinos  
Hells Canyon Preservation Council  
Hydropower Reform Coalition  
Idaho Rivers United  
Kalmiopsis Audubon Society  
Kayak and Canoe Club of New York  
Kennebec Reborn  
Kentucky Waterways Alliance  
Kettle Range Conservation Group  
Klamath-Siskiyou Wildlands Center  
Kootenai Environmental Alliance

Lake Coeur d'Alene Waterkeeper  
Long Island Soundkeeper  
Los Padres ForestWatch  
Lower Columbia Canoe Club  
Lower Mississippi River Foundation  
Lower Susquehanna Riverkeeper  
Maine Rivers  
Maryland League of Conservation Voters  
Mason Dixon Canoe Cruisers  
Matanzas Riverkeeper  
Mecklenburg Regional Paddlers  
Merced River Conservation Council  
Merrimack Valley Paddlers  
Michigan Hydro Relicensing Coalition  
Milwaukee Riverkeeper  
Mono Lake Committee  
National Audubon Society  
National Parks Conservation Association  
Naturaland Trust  
Natural Resources Council of Maine  
Natural Systems Design  
Nature Abounds  
Naugatuck River Revival Group  
New England FLOW  
North Carolina Conservation Network  
North Cascades Conservation Council  
North Coast Rivers Alliance  
Northwest Environmental Advocates  
O.A.R.S  
Ocean Conservancy  
Olympic Forest Coalition  
Oregon Forest Coalition  
Oregon Kayak and Canoe Club  
Oregon Wild  
Pacific Coast Federation of Fishermen's Associations  
Pacific Rivers Council  
Pennsylvania Council of Churches  
Penobscot Paddlers and Chowder Society  
Planning and Conservation Council  
Potomac Riverkeeper  
Protect American River Canyons  
Public Citizen  
Quad City Riverkeeper  
Richmond Audubon Society  
River Alliance of Wisconsin  
River Guardian Foundation  
River Management Society

Rivers Alliance of Connecticut  
Rogue Riverkeeper  
Savannah Riverkeeper  
Save Our Wild Salmon  
Selkirk Conservation Alliance  
Shenandoah Riverkeeper  
Shenandoah Valley Network  
Sierra Club  
Sierra Nevada Alliance  
Sleepy Creek Watershed Association  
Smith River Alliance  
Snake River Waterkeeper  
South Carolina Coastal Conservation League  
South Yuba River Citizens League  
Southern Environmental Law Center  
Spartanburg Area Conservancy  
Spearfish Canyon Society  
Spokane Riverkeeper  
Springville Whitewater Park  
Steamboaters  
Stewards of the Lower Susquehanna  
Suncoast Waterkeeper  
Susitna River Coalition  
The Lands Council  
The Mountaineers  
Three Rivers Waterkeeper  
Tualatin Riverkeepers  
Tuolumne River Trust  
UMass Outing Club  
Umpqua Audubon Society  
Upper Missouri Waterkeeper  
Upper Peninsula Environmental Coalition  
Upper Potomac Riverkeeper  
Upstate Forever  
Vermont Natural Resources Council  
Vermont Paddlers Club  
Wabash Riverkeeper  
Waccamaw Riverkeeper  
Washington Wild  
Waterkeepers Chesapeake  
WaterWatch of Oregon  
WESPAC Foundation  
Wicomico Environmental Trust  
Wild Fish Conservancy  
Wild Steelhead Coalition  
Wild Washington Rivers  
Zoar Outdoor

**Zoar Valley Paddling Club**