

ALABAMA RIVERS ALLIANCE ** ALASKA HYDRO PROJECT ** ALASKA SURVIVAL ** ALL-OUTDOORS
WHITewater RAFTING ** ALLIANCE FOR THE GREAT LAKES ** ALPINE LAKES PROTECTION SOCIETY **
AMERICAN CANOE ASSOCIATION ** AMERICAN OUTDOORS ASSOCIATION ** AMERICAN PACKRAFTING
ASSOCIATION ** AMERICAN RIVERS ** AMERICAN WHITewater ** ANACOSTIA WATERSHED SOCIETY
** ANGLERS OF AU SABLE ** APALACHICOLA RIVERKEEPER ** APPALACHIAN MOUNTAIN CLUB **
ASSOCIATION OF NORTHWEST STEELHEADERS ** ATLANTIC SALMON FEDERATION ** CALIFORNIA
HYDROPOWER REFORM COALITION ** CALIFORNIA OUTDOORS ** CALIFORNIA RIVER WATCH **
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE ** CALIFORNIA TROUT ** CASCADIA EXPEDITIONS
** CATAWBA RIVERKEEPER ** CECIL LAND USE ASSOCIATION ** CENTER FOR ENVIRONMENTAL LAW
AND POLICY ** CENTRAL SIERRA ENVIRONMENTAL RESOURCE CENTER ** CHATTAHOOCHEE
RIVERKEEPER ** CHESAPEAKE BAY FOUNDATION ** CLEAN WATER ACTION ** COASTAL
ENVIRONMENTAL RIGHTS FOUNDATION ** COLUMBIA RIVER BIOREGIONAL EDUCATION PROJECT **
CONGAREE RIVERKEEPER ** CONNECTICUT FUND FOR THE ENVIRONMENT ** CONNECTICUT RIVER
WATERSHED COUNCIL ** CONSERVATION LAW FOUNDATION ** CONSERVATION NORTHWEST **
CONSERVATIVES FOR RESPONSIBLE STEWARDSHIP ** COOK INLET KEEPER ** CRAB APPLE WHITewater
** DOLORES RIVER BOATING ADVOCATES ** DOWNEAST SALMON FEDERATION ** EARTH DESIGNS **
EARTHJUSTICE ** ENDANGERED HABITATS LEAGUE ** ENDANGERED SPECIES COALITION ** ENO RIVER
ASSOCIATION ** ENVIRONMENT AMERICA ** ENVIRONMENTAL PROTECTION INFORMATION CENTER **
FARMINGTON RIVER WATERSHED ASSOCIATION ** FOOTHILL CONSERVANCY ** FOOTHILLS PADDLING
CLUB ** FOOTHILLS WATER NETWORK ** FOREST ISSUES GROUP ** FOREST UNLIMITED ** FRIENDS OF
BUTTE CREEK ** FRIENDS OF LIVING OREGON WATERS ** FRIENDS OF MERRYMEETING BAY ** FRIENDS
OF SABAGO LAKE ** FRIENDS OF THE CROOKED RIVER ** FRIENDS OF THE EARTH ** FRIENDS OF THE
EEL RIVER ** FRIENDS OF THE KINNI ** FRIENDS OF THE NANTICOKE RIVER ** FRIENDS OF THE RIVER **
FRIENDS OF THE WESKEAG ** FRIENDS OF THE WHITE SALMON ** GOLDEN WEST WOMEN FLYFISHERS
** GREAT LAKES COUNCIL-INTERNATIONAL FEDERATION OF FLYFISHERS ** HELLS CANYON
PRESERVATION COUNCIL ** HIGH COUNTRY CONSERVATION ADVOCATES ** HOOSIER ENVIRONMENTAL
COUNCIL ** HURON RIVER WATERSHED COUNCIL ** HYDROPOWER REFORM COALITION ** IDAHO
RIVERS UNITED ** IZAAK WALTON LEAGUE OF AMERICA HEADWATERS CHAPTER ** KALAMAZOO RIVER
STURGEON FOR TOMORROW ** KALMIOPSIS AUDUBON SOCIETY ** KENNEBEC REBORN ** KLAMATH
FOREST ALLIANCE ** KOOTENAI ENVIRONMENTAL ALLIANCE ** LAKE COEUR D'ALENE WATERKEEPER **
LOS PADRES FOREST WATCH ** LOWER COLUMBIA CANOE CLUB ** LOWER MISSISSIPPI RIVER
FOUNDATION ** MAINE AUDUBON ** MAINE RIVERS ** MARYLAND CONSERVATION COUNCIL **
MARYLAND LEAGUE OF CONSERVATION VOTERS ** MATTAWOMAN WATERSHED SOCIETY **
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KENNEBUNK RIVERS ALLIANCE ** NATURAL HERITAGE INSTITUTE ** NATIONAL PARKS CONSERVATION
ASSOCIATION ** NATURAL RESOURCES COUNCIL OF MAINE ** NATURAL SYSTEMS DESIGN **
NATURLAND TRUST ** NATURE ABOUND ** NAUGATUCK RIVER REVIVAL GROUP ** NEW ENGLAND
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CONSERVATION NETWORK ** NORTH CASCADES CONSERVATION COUNCIL ** NORTHEAST
WHITewater LODGE AND GUIDE SERVICE ** NORTHWEST GUIDES AND ANGLERS ** O.A.R.S. ** OHIO
RIVER FOUNDATION ** OLYMPIC FOREST COALITION ** OREGON KAYAK AND CANOE CLUB ** OREGON
NATURAL DESERT ASSOCIATION ** OREGON WILD ** PACIFIC COAST FEDERATION OF FISHERMEN'S
ASSOCIATIONS ** PACIFIC RIVERS ** PENNSYLVANIA COUNCIL OF CHURCHES ** PENOBSCOT PADDLERS

AND CHOWDER SOCIETY ** PLANNING AND CONSERVATION LEAGUE ** POTOMAC RIVERKEEPER **
POTOMAC RIVERKEEPER NETWORK ** PROTECT AMERICAN RIVER CANYONS ** QUAPAW CANOE
COMPANY ** RELIGIOUS COALITION FOR THE GREAT LAKES ** RIVER ALLIANCE OF WISCONSIN ** RIVER
GUARDIAN FOUNDATION ** RIVER NETWORK ** RIVERS ALLIANCE OF CONNECTICUT ** ROGUE
RIVERKEEPER ** SAN JUAN CITIZENS ALLIANCE ** SASSAFRASS RIVER ASSOCIATION ** SAVAGE RIVER
WATERSHED ASSOCIATION ** SAVE OUR SALUDA ** SAVE OUR WILD SALMON ** SAVE THE SOUND **
SEA RUN BROOK TROUT COALITION ** SELKIRK CONSERVATION ALLIANCE ** SHENANDOAH
RIVERKEEPER ** SLEEPY CREEK WATERSHED ASSOCIATION ** SMITH RIVER ALLIANCE ** SNAKE RIVER
WATERKEEPER ** SOUTH CAROLINA NATIVE PLANT SOCIETY ** SOUTH YUBA RIVER CITIZENS LEAGUE **
SOUTHERN ENVIRONMENTAL LAW CENTER ** SPEARFISH CANYON SOCIETY ** SPOKANE RIVERKEEPER
** ST MARY'S RIVER WATERSHED ASSOCIATION ** SUSITNA RIVER COALITION ** TENNESSEE
RIVERKEEPER ** THE LANDS COUNCIL ** TRIBUTARY WHITEWATER TOURS LLC ** TROUT UNLIMITED
ILLINOIS COUNCIL ** TUOLUMNE RIVER TRUST ** U.S. RAFTING OF MAINE ** UNITED SLUDGE FREE
ALLIANCE ** UPSTATE FOREVER ** WASHINGTON WILD ** WATERWATCH OF OREGON ** WESPAC
FOUNDATION ** WEST MICHIGAN HACKLERS ** WILD EARTH GUARDIANS ** WILD STEELHEAD
COALITION ** WILD WASHINGTON RIVERS ** ZOAR OUTDOOR

Dear Senator or Representative:

On behalf of our millions of members across the nation, we are writing to urge you to drop provisions related to hydropower licensing from the final conference report on S. 2012, the Energy Policy Modernization Act.

The balance the Federal Power Act strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, S. 2012 upends that balance, placing the interests of power companies ahead of clean water, endangered species, irrigation, meeting tribal treaty and trust obligations, wildlife, recreational fishing, commercial fishing, whitewater boating, water quality, municipal water supply, fire safety, flood control, and every interest beyond generating power.

The House version of S. 2012 is so extreme that it has been condemned by a diverse group of interests including states, tribes, and conservation groups. The State of California raised questions about the constitutionality of the legislation and highlighted the failure of the hydropower provisions to protect the environment, as well as the failure of Congress to defer to the states in matters related to water rights. The State of Maryland believes that its passage would relegate the state to "bystander or second class status." Native American tribes oppose the bill as an assault on their trust and treaty rights. More than 200 conservation and recreation organizations oppose it as "a breathtaking assault on our nation's bedrock environmental laws." Because of these broad objections and unified opposition, the Obama Administration has quite correctly issued a veto threat on these grounds.

The Senate version of S. 2012, while significantly better than the House version, has significant flaws that need to be addressed. The Obama Administration has again expressed concerns about how this bill would be implemented, concerns which we share. A coalition of conservation groups recently wrote:

[W]e share the concerns of States, Tribes, and the White House about how the provisions in Section 3001 would be implemented. For example, we are concerned that if enacted as written, Section 3001 could limit agencies from, as part of the relicensing process, requiring power companies to conduct new studies into the impacts of their dams. This section would apply even if the dam's existing license, and thus the studies that the current license depends on, are more than 50 years old and pre-date modern environmental statutes and changing climate conditions. Further, we are concerned that provisions in Section 3001 require federal natural resource agencies to conduct costly, wasteful and time consuming review of matters outside of their scope of expertise and jurisdiction. Taken together, the effect of these provisions could lead to increased costs to taxpayers and unnecessary delays in licensing, which is contrary to the goals of all parties to license proceedings.

As we have noted before, the provisions in both the House and Senate bills, while purporting to solve problems associated with hydropower licensing, were not the subject of any hearings and were drafted without substantial input from states, tribes, federal agencies, NGOs, or any other recognized and regular participants in the licensing process. The only input appears to have been provided by power companies who have a financial interest in license proceedings that is at times in conflict with the interests of taxpayers, states, tribes, and the general public.

We believe that there are significant opportunities to improve the licensing process to the benefit of all stakeholders. In lieu of the deeply flawed and environmentally damaging hydropower legislation being considered in the energy bill, we urge Congress to start from scratch and convene a broad group of stakeholders to develop consensus based solutions to issues with the licensing process. The hydroelectric title should be struck from S. 2012 and improving legislation should be adopted only when sufficient stakeholder input and collaboration occurs.

Working together, all those who wish to make use of our nations' rivers can come up with changes that can benefit all parties. We know this to be true: stakeholder negotiations produced two significant hydropower bills signed into law in 2013, the Hydropower Regulatory Efficiency Act, and the Bureau of Reclamation Small Conduit Hydropower and Rural Jobs Act.

As new scientific studies present alarming evidence about significant methane emissions from hydropower reservoirs, it's more important than ever that Congress take a slow and deliberative approach to changing the Federal Power Act's protections for non-power interests at hydropower dams. Hydropower licenses are issued once every generation. If we fail to get it right, we will live with the consequences for decades to come.

Therefore, we respectfully ask that you remove the hydropower licensing sections of S. 2012 when negotiating a conference report, and instead convene a stakeholder process on licensing reform that can actually achieve the goals of all concerned.

Sincerely,

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THE LANDS COUNCIL

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