



Hydropower Provisions in H.R. 8 Are Harmful to Fish, Wildlife, and Clean Water

The base text of H.R. 8, the North American Energy Security and Infrastructure Act of 2015, had little on hydropower and little that was objectionable. Unfortunately, an amendment offered by Reps McMorris Rodgers and McNerney was hammered onto H.R. 8 over the objections of Ranking Member Pallone. This amendment gives the Federal Energy Regulatory Commission (FERC) sweeping new abilities to sideline tribes, states, and natural resource agencies, preventing them from using the Clean Water Act, the Endangered Species Act, and other laws to protect fish, wildlife, recreation, public lands, and other public resources.

H.R. 8 Lets Dam Owners Ignore Modern Environmental Standards

Hydropower dam relicensing only happens every 30-50 years. Many dams in the United States were built before laws such as the Clean Water Act and the Endangered Species Act were enacted. Under current law, those dams have to meet modern water quality and environmental protection standards when they are relicensed. H.R. 8 would allow dam operators to shirk much of their responsibility for improvements to protect fish, wildlife, water quality, public lands, fire safety, outdoor recreation, and more.

H.R. 8 Centralizes Authority Away from Tribes, States, and Agencies

States, tribes, and federal resource agencies have targeted statutory authorities to address the impacts of hydropower projects on the resources they are charged with managing. This allows them to require dam owners to install fish passage, meet water quality standards, and protect wildlife and public lands. If H.R. 8 is enacted into law, FERC – which has a poor history of cooperation with these entities and lacks expertise and experience in enforcing laws like the Clean Water Act, the Endangered Species Act, the Federal Land Policy and Management Act, and the Coastal Zone Management Act – will be able to dramatically limit the authorities that states, tribes, and natural resource agencies use to protect the environment and the public.

H.R. 8 Will Lead to More Litigation and Less Environmental Protection

H.R. 8 will allow dam owners to evade laws like the Clean Water Act and the Endangered Species Act. H. R. 8 allows FERC to dictate deadlines that will deny these agencies the ability to fully evaluate dams' environmental impacts. FERC does not require – and in fact often resists – dam owners to provide state, tribal, or federal agencies with complete applications or the full information they need to do their jobs. If an agency cannot meet FERC's schedule or misses an arbitrary deadline, FERC can waive the Endangered Species Act or the Clean Water Act. By submitting an incomplete application or delaying an essential study, dam owners could avoid complying with these laws by simply running out the clock. The result will be increased litigation and licenses delayed indefinitely in court.

Please direct questions to Brendan Mysliwiec at bmysliwiec@americanrivers.org