

House bill would punish foes of hydroelectric dams

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WASHINGTON – Hydropower dams would get a boost, while their skeptics would get punished, under a controversial new bill backed by Western conservatives in Congress.

In a bit of tit for tat, the legislation introduced this month would strip federal funding from environmental groups that have challenged hydropower facilities in court over the past decade. The bill further would block federal money from being used to study or undertake dam removals, save for the rare occasion when Congress has authorized the action.

"This bill would ... help eliminate government roadblocks and frivolous litigation that stifle development," Rep. Doc Hastings, R-Wash., said in a statement when he introduced it.

The chairman of the House of Representatives Natural Resources Committee, Hastings has convened a panel hearing for Wednesday in Pasco, Wash., that will be stacked with hydropower supporters, providing a hint of legislative momentum.

But with little time left in a Congress now mostly focused on campaign season, and with the 17-page Hastings bill poisonous to prominent environmental groups, the legislation appears fated for now to serve primarily as debate provocation.

"This is incredibly extreme," said Jim Bradley, the senior director of government relations for American Rivers. "I haven't seen anything quite like this. It's a little bit shocking for a member of Congress to create this kind of blacklist."

American Rivers, the National Wildlife Federation and Trout Unlimited are among the organizations that could be cut off from federal grant funding under the bill; each has been party to a suit potentially challenging hydropower generation, and each has received federal money.

"We're very concerned about it," said Steve Moyer, Trout Unlimited's vice president for government affairs.

It's all a reminder that hydropower, however fresh it sounds, can generate political heat as well as occasional cooperation.

In June, for instance, a sharply divided House passed a bill by Rep. Jeff Denham, R-Turlock, that would permit the Merced Irrigation District to raise the spillways on the district's New Exchequer Dam. That would increase power production and water storage, but it also would temporarily inundate part of a protected "wild and scenic river."

The Obama administration opposes the Denham bill, which faces an uncertain future in the Senate.

Hydropower rhetoric, too, can get heavy. At a hydropower hearing last year, Rep. Tom McClintock, R-Elk Grove, the chairman of the House Water and Power Subcommittee, denounced American Rivers, which advocates for protecting river habitat nationwide, as an "extremist organization."

Last year, on a closely divided vote, McClintock won House approval for an amendment blocking the removal of what he called "four perfectly good hydroelectric dams" in the Klamath River Basin. Congress later dropped the amendment; but, as with the new Hastings bill, a point had been made about an important part of the nation's energy mix.

In a more collaborative vein, Rep. Cathy McMorris Rodgers, R-Wash., won unanimous House support in July for a bipartisan bill that streamlines licensing for small hydropower projects. The legislation would exempt from federal licensing requirements the nation's 1,100-plus hydro projects that aren't operated by the federal government and that generate less than 10 megawatts of electricity; the current exemption is limited to projects that generate less than 5 megawatts.

"Notwithstanding all of (the) benefits, the regulatory approval process for hydropower development, especially for smaller projects, can be unnecessarily slow, costly and cumbersome," Rodgers said during House debate.

Her bill awaits Senate action.

Hydropower accounts for about 8 percent of all electrical production nationwide. California has more hydropower facilities than any other state, while Washington state leads in overall power production. Lawsuits periodically have challenged these dam operations, directly or indirectly, and supporters of Hastings' bill say the litigation slows energy development and increases consumer costs.

Groups that file lawsuits that "if successful would result in" a reduction in hydropower generation would be covered by the federal grant cutoff, under the new bill. Attorneys for such groups likewise would be cut off.

Spencer Pederson, a spokesman for the House Natural Resources Committee, said the panel didn't have a list of which organizations might be affected.

"It is a policy statement about the importance of hydropower and how taxpayer dollars shouldn't be used to destroy that resource," Pederson said of the bill.

Court and federal grant records show that American Rivers would be affected because the group has litigated and it received federal funding, including a \$1 million National Oceanic and Atmospheric Administration grant last year. The 110,000-member Trout Unlimited likewise has sued and has received federal grants, records show.

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