

June 24, 2009

The Honorable Henry Waxman  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Waxman:

We would like to congratulate you and Chairman Markey for the hard work you have put into H.R. 2454, the American Clean Energy and Security Act of 2009. We in particular want to thank you for the hydropower provisions contained in Section 101(a)(13)(A) and (B) of the bill.

These two provisions represent a compromise that is the result of more than a year's worth of discussions among our organizations to clarify the treatment of new hydropower capacity added to existing hydropower and non-hydropower dams. These provisions mirror a similar compromise that was enacted into law last year as part of the production tax credits under Section 45 of the Internal Revenue Code. That change as well as the provisions of H.R. 2454 enjoy broad support and will be instrumental in jumpstarting development of additional renewable hydroelectric capacity.

Our organizations believe that this compromise will result in a significant increase in hydropower capacity while minimizing the associated environmental impacts, and we urge you to preserve the integrity of this balance. As written, these compromise provisions would:

- Result in a significant amount of new renewable energy;
- Develop new hydropower capacity at existing dam structures that are already being operated for flood control, navigation, or water supply purposes;
- Require developers to comply with FERC license and other applicable environmental and regulatory requirements, including applicable fish passage requirements;
- Operate this new hydropower capacity in a manner that protects river flows by maintaining surface water elevations that would have occurred at the existing dam in the absence of the hydroelectric project, subject to improvements for the environmental quality of the waterway.

There may be opportunities for our groups to reach further agreement on additional hydropower issues under the RES. As such, we commit to working together, and with the Committee, as the legislative process moves forward.

Thank you for your consideration. Please feel free to contact any of our organizations for additional details.

Sincerely,

John Seebach  
Director, Hydropower Reform Initiative  
American Rivers

Linda Church Ciocci  
Executive Director  
National Hydropower Association

Richard Roos-Collins  
Director of Legal Services  
Natural Heritage Institute

Steve Moyer  
Vice President for Government Affairs  
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