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November 7, 2017

The Honorable Cathy McMorris Rodgers  
United States House of Representatives  
1314 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman McMorris Rodgers:

We are writing to lend our support to H.R. 3043, an act to modernize hydropower policy. The principle aim of this legislation is to harmonize the process for licensing hydropower projects under the jurisdiction of the Federal Energy Regulatory Commission (FERC) to current economic and societal imperatives.

As enacted in 1920, the Federal Power Act was intended to facilitate the development of hydropower projects to advance industrialization. The law directed the Federal Power Commission (FERC's predecessor) to coordinate involvement of permitting agencies and to issue a license with conditions the Commission deemed appropriate. But circumstances changed – and they continue to do so.

The process of licensing hydropower projects has become more complex, litigious and expensive since Congress originally passed the Federal Power Act. Further Congressional enactments have expanded FERC's responsibilities to address concerns about the environmental impacts of hydropower installations, while judicial decisions have diminished FERC's role as the primary actor for balancing power and non-power interests.

Where once procedural requirements for licensing hydropower facilities may have been construed as favoring development, today they can be perceived as being daunting and deterring, if not obstructing. Numerous studies attest to the value of zero-emission generation resources to the environment as well as to the many opportunities that exist to enhance the country's hydropower generating capacity. This is important now that our economy is being driven towards energy efficiency and reduced consumption of fossil fuels.

H.R. 3043, among its other provisions, facilitates constructive engagement in the licensing process by affirmatively designating FERC as the coordinating agency; it affords all parties with the opportunity to participate and to do so under a predictable schedule and with the resources needed to assist their involvement; it acknowledges that license applicants deserve a procedural right to adjudicate issues on the record; and it clarifies the responsibilities of license applicants to mitigate effects of a project. Moreover, it gives licensees the incentive to invest in technological upgrades to a licensed project and to

undertake environmental measures beyond the requirements of the existing license – all in an environmentally-sensitive manner.

We could not support H.R. 3043 if the administration of its provisions would result in any degradation of the environment or diminishment of the ability of affected stakeholders to constructively engage in the licensing process. Across the country state permitting agencies are being asked to “streamline” processes for siting wind and solar power projects. Those endeavors have been embraced on a bi-partisan basis. Wind and solar projects, like hydropower installations, have environmental impacts. H.R. 3043 acknowledges what is happening before state legislatures and executive agencies; that is, it would ensure that affected parties, including license applicants, are given the chance to participate in a public process that considers the interests of all parties on a reasonable basis.

We encourage your favorable consideration of H.R. 3043. If you have any questions, please feel free to contact me at 509-495-2525.

Sincerely,



K. Collins Sprague  
Senior Director of Government Relations  
Avista Corp.

cc: Chairman Greg Walden  
Rep. Dan Newhouse  
Rep. Jamie Herrera Beutler  
Rep. Raul Labrador  
Rep. Greg Gianforte  
Rep. Don Young  
Rep. Peter DeFazio