

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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WASHINGTON, DC 20515-6115  
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April 4, 2017

Mr. Dave Steindorf  
California Stewardship Director  
American Whitewater  
4 Baroni Drive  
Chico, CA 95928

Dear Mr. Steindorf,

Thank you for appearing before the Subcommittee on Energy on Wednesday, March 15, 2017, to testify at the hearing entitled "Modernizing Energy Infrastructure: Challenges and Opportunities to Expanding Hydropower Generation."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Wednesday, April 19, 2017. Your responses should be mailed to Grace Appelbe, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Grace.Appelbe@mail.house.gov](mailto:Grace.Appelbe@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Fred Upton  
Chairman  
Subcommittee on Energy

cc: The Honorable Bobby L. Rush, Ranking Member, Subcommittee on Energy

Attachment

## **Additional Questions for the Record**

### **The Honorable Frank Pallone, Jr.**

1. Hydropower reform proposals in the last Congress designated FERC as lead agency in the hydropower licensing process and provided FERC with greater authority to set the time table for the licensing process and to grant a license or a renewal within a specific time period. The assumption underlying these proposals is that federal resource agencies, state agencies, or tribal organizations are taking too much time to make decisions on one or more necessary permits to be issued under their conditioning authorities.

What are the implications for state, tribal, and private water rights within the watershed that hosts the hydropower project if FERC is given authority to control the schedule for the licensing process and has the authority to grant a license or license renewal without state, tribal and/or federal agencies providing formal approvals?

2. In a hydropower licensing or re-licensing process, states must issue a water quality certification for the project and state and federal resource agencies must issue a variety of permits under existing laws and/or define a set of conditions to mitigate negative impacts of the hydropower project.

The agencies require information that is generated in studies performed by license applicants to support and defend their permitting decisions. It appears one source of delay in the licensing or relicensing process occurs during the process of defining the list of studies that are required to facilitate decision-making by state, tribal, and federal resource agencies.

In your experience does FERC defer to the agencies' study requests?

In your view, is it possible based on the experience with project licensing and re-licensing that has occurred over the years to develop a list of studies that would define a core set of information that is necessary to evaluate every license or re-license?

I recognize there may be individual circumstances or conditions that are unique to a specific project that might require additional studies or information that goes beyond the core set of information that would be included in the core study list I described above. However, it seems a set of defined core requirements and/or best practices developed based on the experience with license application evaluations over the years would provide more certainty to the license applicant as well as all other parties to the licensing process.

Based on your experience with the licensing process, do you believe the states, tribes, and federal resource agencies have sufficient experience to develop, in cooperation with FERC, a set of standard best practices that would assist hydropower license applicants in preparing the necessary studies to reduce delays in the licensing process?

What role can Memoranda of Understanding between FERC and the states or between FERC and the federal resource agencies play in developing a mutually agreed upon core set of required studies and/or best practices?

How could advocates and license applicants contribute to the development of such tools?

3. Please elaborate further on the benefits of delegating conditioning authority under Sections 4(e) and 18 of the Federal Power Act directly to tribes.
4. Based upon your experience with multiple license and re-license processes, what factors result in the greatest delays and costs to complete the process?
5. There is apparently interest in development of small hydroelectric projects and an assumption that these projects might move through the licensing process more quickly. Is the size of the hydroelectric project directly related to its environmental impacts?