

DEPARTMENT OF THE ARMY

COMPLETE STATEMENT OF

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BEFORE

**COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY
UNITED STATES HOUSE OF REPRESENTATIVES**

ON

IMPROVING THE HYDROPOWER LICENSING PROCESS

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Mr. Chairman and distinguished members of the Subcommittee:

I am honored to testify before you today to discuss the U.S. Army Corps of Engineers (Corps) hydropower program. I am Ryan Fisher, Principal Deputy Assistant Secretary of the Army for Civil Works.

The Corps is the Nation's largest producer of hydropower. The Corps owns 715 dams. The Corps has constructed hydropower projects at 75 of its dams, with 353 generating units and a total capacity of over 21,000 megawatts (MW). In addition, non-Federal interests have constructed hydropower projects at 68 other Corps owned dams. These 68 projects contain 199 generating units with a total capacity of 2,500 MW.

In 2014, the Department of Energy released its Non-Powered Dam Resource Assessment, which listed the top 100 dams that were most likely to have the potential for commercial hydropower development. Of these 100 dams, 81 are owned by the Corps. In Fiscal Years 2016 and 2017, the Corps supported the development of non-Federal hydropower at 36 of its dams. In addition to these active projects, there are approximately 60 other planned projects.

The Corps and FERC renewed, in 2016, their Memorandum of Understanding on Non-Federal Hydropower Project Development. In addition to renewing mutual commitment to early involvement and proactive participation, the two agencies laid out a synchronized, two-phased, environmental review process to be used during non-federal hydropower development at Corps-owned dams. This MOU reflects the commitment by both the Corps and FERC to cooperatively work together to facilitate non-federal development of hydropower projects at Corps owned dams where appropriate.

Section 14 of the Rivers and Harbors Act of 1899, as amended, and codified in 33 USC 408 (Section 408) provides the basis for the Corps review of requests by non-Federal interests to construct a hydropower project at a Corps owned dam. Section 408 provides that the Secretary of the Army may, upon the recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alteration or use of any Corps Civil Works project. The Corps also has implemented the following improvements to the Section 408 review process: delegation of Section 408 decisions to the lowest level possible (resulting in more than 95% of Section 408 decisions being made at the Corps district level) and further clarifying when Section 408 permission is required, when Section 408 permission is not required, and when the requirements of Section 408 may be met by another Corps process and/or authority (resulting in the reduction of redundancies).

The Corps recognizes the importance of establishing a "one federal decision" structure for environmental reviews throughout its program, with the goal of shortening environmental timelines to two years on average while still protecting the environment, including the need to eliminate redundant and unnecessary reviews, concurrences and approvals, as well as the importance of firm deadlines to complete reviews and make decisions.

As a member of the Federal Permitting Improvement Steering Council (Permitting Council), which facilitates the statutory responsibilities identified in Title 41 of the Fixing America's Surface Transportation Act (FAST-41), the Army works with fellow Council members to improve the timeliness, predictability, and transparency of the Federal environmental review and authorization process for covered infrastructure projects. In addition, the Corps is working to incorporate the objectives of FAST-41 and Executive Order (EO) 13807 "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects" into its directives, manuals, policies and plans, as applicable and to the extent practicable. For example, where FERC is the lead agency on a proposed Federal action that will also require a Corps approval or permit, the Corps works closely with FERC as a cooperating agency under NEPA. This enables the Corps to ensure that the information prepared by FERC is able to support a decision by the Corps under its Section 408 authority and any Clean Water Act permits as applicable.

The U.S. Army Corps of Engineers is responsible for the dams that it owns and operates. Where consistent with the other authorized purposes of this infrastructure and other applicable law, the Corps stands ready to support the needs of non-Federal hydropower developers.

This concludes my testimony and I look forward to answering any questions you might have. Thank you.