



February 3, 2006

NEPA Task Force
Committee on Resources
1324 Longworth House Office Building
Washington, DC 20515
Re: NEPA Draft Report Comments

Dear Task Force Members:

The Hydropower Reform Coalition submits these comments on the *NEPA Task Force's Initial Findings and Draft Recommendations* document. The Hydropower Reform Coalition is a consortium of more than 130 conservation, recreation, and other organizations that have an interest in protecting and restoring rivers that are affected by hydropower dams. Together, our member organizations represent more than 1 million individuals nationwide.

We would like to incorporate by reference the comments submitted by The Wilderness Society and other conservation NGOs. We do wish, however, to add comment on one point.

On page 14 of your *Initial Findings and Draft Recommendations* (the "report"), you include as an example a hydropower licensing case that allegedly featured a lack of coordination in the NEPA process – both in terms of timing and substantive conclusions – among three Federal agencies: the U.S. Forest Service (USFS), the Department of the Interior (DOI), and the Federal Energy Regulatory Commission (FERC).

It is difficult for us to thoroughly evaluate and respond to this example since it, like many of the examples relied on in the Task Force's report, is presented without reference, citation, or any indication of its source. However, we would point out that this it appears to be an extraordinary situation, and would therefore disagree with the conclusion drawn from this example, namely, that the NEPA process is somehow to blame for delays in hydropower licensing. In fact, the opposite is true.

In 2003, FERC published its new Integrated Licensing Process (ILP), which was the result of years of intense collaboration among FERC, federal agencies, industry, NGOs, and other stakeholders with an interest in the hydropower licensing process. This process was designed to reduce delays, improve coordination among agencies, and enhance public participation. Early results from the field suggests that these goals are being met, and we expect that the ILP will likely make extraordinary cases like the one described in the Task Force's report a thing of the past.

Steering Committee:

Alabama Rivers Alliance • American Rivers • American Whitewater • Appalachian Mountain Club
California Hydropower Reform Coalition • Friends of the River • Idaho Rivers United
Michigan Hydro Relicensing Coalition • Natural Heritage Institute • New England FLOW • New York Rivers United
River Alliance of Wisconsin • South Carolina Coastal Conservation League • Trout Unlimited

Most notably, the ILP actually uses the NEPA process to achieve these efficiencies. The entire licensing process is built around strict deadlines and the collaborative development of a NEPA document. This enables all stakeholders to work together to identify issues early in the process and gather the data necessary to address the direct, indirect, and cumulative impacts of a hydropower project. Under the ILP, the NEPA review for a project acts as the touchstone around which all of the licensing activities revolve.

In short, the hydropower example on p. 14 of the Task Force's report is an aberration which does not represent the status quo of hydropower licensing and fails to make the case that NEPA is somehow to blame for this perceived lack of coordination. On the contrary, FERC's new Integrated Licensing Process will ensure enhanced coordination and lead to more timely and cost-effective decisions which offer better protection for *all* of the beneficial uses that rivers provide. NEPA's central role in the ILP process speaks volumes about its value, and further demonstrates why no major revision to this bedrock environmental law is necessary.

Sincerely,

A handwritten signature in blue ink that reads "Robbin Marks". The signature is written in a cursive, flowing style.

Robbin Marks
Chair
Hydropower Reform Coalition