
January 24, 2019

Alejandro Moreno
Director, Water Power Technologies Office
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Director Moreno:

The Western Governors' Association (WGA) understands that the Department of Energy's (DOE) Water Power and Technologies Office (WPTO) has convened a Stakeholder Working Group to inform its project, "An Examination of the Hydropower Licensing and Federal Authorization Process." WGA wants to ensure that western states are adequately represented in any effort to shape federal policy on hydropower licensing.

WGA represents the Governors of 19 western states and 3 Pacific territories, and is an instrument of the Governors for bipartisan policy development, information-sharing, and collective action on issues of critical importance to the West. WGA Policy Resolution 2018-08, *Water Resource Management in the West*, recognizes that:

Congress and the Administration should authorize and implement appropriate hydropower projects and programs through efficient permitting processes that enhance renewable electric generation capacity and promote economic development, while ensuring protection of important environmental resources and indigenous people's rights.

Western Governors assert that efforts to streamline environmental permitting, "should not impinge upon state authority over water management or the states' responsibility," to implement programs under the federal Clean Water Act (CWA). Specifically, WGA Policy Resolution 2018-12, *Water Quality in the West*, emphasizes that, "[CWA] Section 401 is operating as it should, and states' mandatory conditioning authority should be retained without amendment." In addition to states' statutory authority to implement Section 401 and other programs under the CWA, hydropower licensing and relicensing may affect various sovereign authorities retained by the states, including their plenary authority over the management of water resources and wildlife.

DOE should take affirmative steps to ensure that the voices, expertise and insights of western states are adequately represented in its Stakeholder Working Group. WGA views this as an opportunity to improve the state-federal relationship, a principal policy objective of Western Governors. For your reference, please see the attached correspondence to DOE Under Secretary Dan Brouillette, dated August 4, 2017. The communication provides greater detail on this subject and communicates the expectation of Western Governors that the Department will provide states with opportunities for early, meaningful and substantive input in the development of regulatory policies.

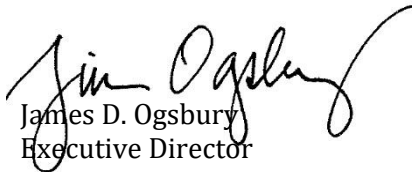
WGA staff has had an initial conversation with DOE's Working Group contractor on this matter and would be happy to facilitate further conversations between our states and the Department. The production of hydroelectric power has historically played a significant role in the development and expansion of the West. Western states have intimate and hands-on knowledge of hydropower

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licensing and associated state water quality certification processes that would be invaluable to your examination of the licensing and authorization process. Governors' involvement will help assure that all the areas of state interest impacted are properly integrated into this exercise.

We look forward to discussing this and other opportunities for incorporating the input of western states into DOE's decision-making processes. Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Sincerely,



James D. Ogsbury
Executive Director

Attachment