

**American Rivers * Center for Biological Diversity * Clean Water Action
Defenders of Wildlife * Earthjustice * Endangered Habitats League
Fins and Fluke * Friends of the Earth * Greenpeace USA * League of Conservation Voters
League of Women Voters * Natural Resources Defense Council * Ocean Conservation Research
Ocean Conservancy * Oceana * Physicians for Social Responsibility
SandyHook SeaLife Foundation * Sierra Club**

May 23, 2016

Dear Representatives:

On behalf of our millions of members, the undersigned organizations urge you to oppose the FY2017 Energy and Water Development and Related Agencies Appropriations bill (H.R. 5055) because it does not responsibly promote proper use of our water and ocean resources, deeply cuts funding for clean energy innovation, and undermines safe nuclear waste storage. Furthermore, this bill continues House Leadership's pattern of inserting harmful policy riders into spending bills in an attempt to circumvent regular legislative order. Adding harmful unrelated, controversial, and often radical policy reversals onto these bills undermines the legislative process and the already challenging budget process.

The bill includes damaging policy riders and report language in contravention of regular order. Specifically, Sec. 110 undermines the Clean Water Act by preventing implementation of the administration's Clean Water Rule, which the Environmental Protection Agency and Army Corps of Engineers adopted following a lengthy and inclusive public rulemaking process, and which would restore Clean Water Act protections to streams, wetlands, and other important waters. Without the Clean Water Rule, the streams that help supply public drinking water systems serving one in three Americans will remain at risk. Sec. 108 would prohibit the Army Corps of Engineers from changing the definition of "fill material" and "discharge of fill material," thereby preventing improvements to stop harmful waste disposal -- like waste dumps associated with mountaintop removal coal mining -- in protected waters. Sec. 109 would exempt certain discharges of dredged or fill material from Army Corps' permitting under the Clean Water Act. However, the Act already exempts these activities from such permits, so adopting this rider will create confusion with the existing statute.

Several riders are included to gut environmental protections for California's rivers and fisheries, threatening thousands of fishing jobs and overriding the Endangered Species Act. Sec. 207 would prohibit spending any funds to implement the legal settlement between the United States, fishing and conservation groups, and Friant water users regarding the restoration of the San Joaquin River. The settlement ended 20 years of litigation and continues to be supported by water users, conservation and fishing groups, and state and federal governments. Secs. 204, 205, 206, and 209 would violate existing biological opinions protecting salmon and other endangered fish in California's Bay-Delta estuary. In particular, Sec. 205 would require water pumping from the Delta far in excess of the maximum levels permitted under those biological

opinions, and would prohibit implementation of the biological opinions if doing so would reduce water supply.

Additionally, Sec. 506 would undermine implementation of the National Ocean Policy – a commonsense policy that improves the way we manage our oceans, reduces duplicative efforts and conflicting government actions, and focuses attention solving the most serious issues jeopardizing ocean health. Finally, the committee report contains language that directs the Department of Energy to reject the most recent social cost of carbon estimate in upcoming regulations until a new working group is formed with a direction to reassess the social costs of carbon downward in a biased fashion. The report also contains language potentially undermining the Building Technology Office's role in advancing strong building energy codes – which are important tools in reducing the energy usage and carbon intensity of our building sector.

These riders, and any further damaging policy provisions that will be offered, undercut the public process for determining how to implement the laws that Congress has passed. They are bad policies that will put Americans health and safety at risk and have no place on a funding bill.

The bill also dramatically cuts federal clean energy spending, which has consistently proven its worth by directing RD&D funds that drive job creation, economic growth and reduce health and environmental costs. For example, support for Energy Efficiency and Renewable Energy core programs has contributed to a 94 percent decline in the cost of LED lighting since 2008. Sadly the bill cuts essential programs and fails to put us on the path to fulfilling our national commitment to double clean energy R&D funding by 2021 as part of the Mission Innovation pledge.

The committee bill cuts funding for the Office of Energy Efficiency and Renewable Energy by \$248 million (\$1.07 billion below the request) and important programs like wind energy are cut by \$5.45 million (\$66 million below the request), solar energy by \$44.6 million (\$88.1 million below the request), sustainable transportation technologies by \$102.5 million (\$319.4 million below the request) and building technologies by \$57 million (\$146 million below the request). The Advanced Research Projects Agency – Energy (ARPA-E) is increased by \$14.9 million, but this is \$44 million below the administration's request, as is the \$49.8 million increase for the Office of Science which is \$172 million below the request.

Congress should be embracing the Mission Innovation goal as an essential path for dramatically expanding the technologies that will define a future global power mix that produces lower carbon emissions in order to achieve the goal of limiting the rise in global temperatures to below 3.6°F (2°C).

Next, this bill includes \$5 million in continued attempt to push the unworkable, long ago rejected proposal to dispose of nuclear waste in Yucca Mountain, Nevada. It also includes a rider in Sec. 505 that prevents funds being used to close the facility. Decades from now others

will face the precise predicament we find ourselves in today if Congress tries to ram through unworkable solutions contentiously opposed by States, lacking a sound legal structure of science-based foundation, and devoid of public understanding and consent. The current efforts to quickly open Yucca Mountain and an interim storage facility simply will not work.

This bill also rejects the Obama administration's sensible plan to cancel the risky and enormously costly mixed oxide (MOX) program, intended to dispose of excess plutonium from the U.S. nuclear weapons program by turning it into nuclear reactor fuel. Instead this bill mandates that the Department of Energy waste an additional \$340 million on construction of the MOX fuel fabrication plant. Congress should reject the MOX program and support the Obama administration's improved approach for disposing of excess plutonium.

This bill has the opportunity to build a path toward cleaner and healthier energy and water use policies for all Americans, but as currently written it puts America's public health, environment, and energy future at risk. We strongly oppose this bill and urge the House to instead pass a bill that invests in clean energy, decreases our dependence on fossil fuels, responsibly handles nuclear waste storage and safeguards America's waters, oceans and climate.

We also urge opposition to any floor amendments that would harm health and the environment.

Sincerely,

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