

**Alaska wilderness league \*American Rivers \* Clean Water Action  
Defenders of Wildlife \* Earthjustice \* Environmental Defense Fund \* Friends of the Earth  
GreenLatinos \* League of Conservation Voters \* Natural Resources Defense Council \* Sierra Club**

July 27, 2015

Dear Chairwoman Murkowski, Ranking Member Cantwell:

On behalf of our millions of members and supporters, we write to thank you for your leadership in crafting the Energy Policy Modernization Act of 2015. We are pleased that your bill omits many of the harmful provisions that our community has opposed over the past several months. It is our hope that the committee has decided to abandon these flawed provisions altogether.

**We also appreciate the forward-thinking provisions in the bill, including the permanent extension of the Land and Water Conservation fund and new programs to support grid storage, advanced grid technologies, and energy efficiency.**

There are, however, several provisions in this bill that we believe could cause detrimental effects to public health and our environment. For example, there is no need to exempt hydropower facilities from regulations that have worked for a century. Some provisions could also have unintended severe consequences for EPA public health protections. We are also troubled by the lack of clean energy investments made by a bill that claims to modernize our energy policy.

A bill that is serious about creating an energy infrastructure for the 21st century will address these policy deficits and the issues listed below. In addition, we understand that numerous amendments have been filed and we urge you to block any amendments that will jeopardize our climate, air, water, land, wildlife and bedrock environmental laws like the Endangered Species Act and NEPA. Such amendments will only add controversy to the legislation.

**Unless these concerns are addressed, we are unable to support this bill.**

Specific provisions we oppose include:

**Section 1015, Repeal of fossil phase-out:** This provision repeals Section 433 of EISA, a provision that requires all new federal buildings and buildings that undergo major renovations to be fossil fuel free by 2030. We cannot address climate change without addressing carbon pollution from the building sector and, as the largest building owner, the federal government should lead industry.

**Section 1018 Certification for green buildings and 1019 High performance green federal buildings:** This provision would utilize the same review process as established in EISA 2007 but add additional criteria to the evaluation process. DOE has issued a final rule on this section of EISA, and we must ensure this text does not upend their work in this area and that the agency's ability to build green wouldn't be encumbered.

**Section 1103, Standards for certain furnaces:** This provision would delay the Department of Energy from acting to raise the minimum efficiency standards for non-weatherized gas furnaces and mobile home furnaces and which based on the analysis by DOE could deliver cumulative savings up to \$19 billion over 30 years beginning in 2021. Further delay would only serve to harm the people in your districts, the environment and public health. We should work with stakeholders and DOE to ensure the rule maximizes the opportunity for savings to customers and the environment rather than undermine it.

**Section 1102. Energy efficient transformer rebate program:** This provision fails to set strong qualifying rebate efficiency requirements. DOE adopted efficiency levels that are significantly lower than what is cost effective for most transformers during the 2012 negotiated rulemaking for justified reasons. However, those concerns would not apply to a voluntary program that receives taxpayer subsidies. Congress should modify the efficiency requirements to assist industry in making a transition to higher efficiency.

**Section 2201, Action on applications to export liquefied natural gas:** This provision does not give DOE sufficient time to consider all factors including full economic and environmental reviews in approving LNG export terminals. Speeding up the process of approving LNG export terminals ties our economy more closely to fossil fuels at a time when we should be transitioning away from their use.

**Section 3001, Hydropower regulatory improvements:** Sec. 3001(c) and 3001(g) make dramatic changes to the Federal Power Act that would allow hydropower dam owners to harm fish, wildlife, public lands, and Indian reservations with impunity, shifting the costs of their environmental damage to recreational and commercial fishing interests, Indian tribes, recreational users who enjoy rivers on our public lands, and federal and state taxpayers. Sect. 3001(c) would deprive tribes and federal natural resource agencies of much of their authority to protect rivers and fisheries and hold dam owners accountable for the damage hydropower dams inflict on public lands, Indian tribes, and river recreation. Section 3001(g) could effectively prohibit the National Marine Fisheries Service and the U.S. Fish and Wildlife Service from requiring hydropower dam owners to install fish passage at their dams. The effect of this section will be to end decades of progress made restoring commercially and recreationally important species such as salmon, steelhead, shad, and herring. The loss of these authorities – which have been in place for nearly a century while our nation constructed thousands of megawatts of hydropower capacity – will have profound consequences for fisheries from coast to coast and rivers on tribal and public land.

**Section 3101, Amendments to the Methane Hydrate Research and Development Act of 2000:** This provision arbitrarily shortcuts any rational process for seismic and offshore drilling decisions on the Atlantic coast, where sound ecosystem and fisheries science to support such decisions has simply not yet been gathered.

**Section 3305, Permitting:** This outlines strict measures by which permitting agencies must reduce the amount of time it takes for a mining applicant to receive a permit. Unfortunately, this focus is misguided. On average, the Bureau of Land Management takes around 3 or so years to permit a large mine. Longer times sometimes occur because the permit applicant chooses to wait until prices rise or

makes other changes to their plan of operations. We should not sacrifice the will of the people for better government efficiency. Our mining policy should focus on genuine solutions rather than misplaced problems.

**Section 4301, Bulk-power system reliability impact statement:** This establishes unnecessary and duplicative assessments of the impact of major new federal regulations on reliability.

**Section 4303, Activities carried out during an authorization during war or emergency:** This provision could have unintended and dramatic consequences for important EPA protections for public health. Under this section, an administration hostile to any environmental regulation could grant broad and immediate amnesty across the power sector from that regulation, without the need to undertake the same transparent, public rulemaking process under which it was developed.

We look forward to working with you and your staff to ensure that these provisions are addressed. Authoring a bill of such complexity in a bipartisan manner is a truly impressive accomplishment, but that does not justify removing key environmental protections.

Additionally, as energy was responsible for 84 percent of US greenhouse gas emissions (in 2013), a responsible energy bill would also make it easier for the country to meet its climate goals. As energy bills move through the legislative process, measures to reduce emissions should be strengthened, and any measures that would increase emissions must be avoided.

Finally, without a stronger vision for accelerating the development and deployment of clean energy resources this bill may prove a missed opportunity. We hope we can work together to rectify these concerns, oppose the full range of highly controversial anti-environment amendments that have been proposed and create a bill that embraces a vision of America's energy future that is also beneficial to our health and environment.

Sincerely,

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