

**Alaska Wilderness League * American Rivers * Center for Biological Diversity
Defenders of Wildlife * Earthjustice * Environment America
League of Conservation Voters * National Parks Conservation Association
Natural Resources Defense Council * Ocean Conservancy
Restore America's Estuaries * Sierra Club**

July 11, 2017

Dear Representative:

On behalf of our millions of members, the undersigned organizations urge you to oppose the FY2018 Energy and Water Development and Related Agencies Appropriations bill (H.R. _____) 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.

Water Provisions

The bill includes damaging policy riders and report language in contravention of regular order. Specifically, Sec. 108(a) would allow the Trump administration to disregard countless laws as it carries out a scheme to undermine clean water safeguards. The provision would authorize EPA and the Army Corps to repeal the Clean Water Rule without following basic and longstanding processes aimed at giving people a voice in their government's actions. For instance, a repeal could ignore the Administrative Procedure Act's requirements to provide meaningful opportunity for public comment on a proposed rule, or its provisions demanding that rules be "in accordance with law" and not arbitrary or capricious. This fact reveals the real motivation for the rider – its proponents want to shield the Trump administration's repeal of carefully-developed clean water protections from public scrutiny and from independent judicial review. Without the Clean Water Rule, the streams that help supply public drinking water systems serving one in three Americans will remain at risk.

Additionally, Sec. 107 would exempt certain discharges of dredged or fill material from Army Corps' permitting under the Clean Water Act. The Act already exempts these kinds of activities from such permits, but requires permitting when the impacts to waterways would be more harmful. This rider would have the effect of nullifying Congress's direction to subject those non-exempt discharges to pollution control officials' review.

Another rider would undermine the restoration of the San Joaquin River, the second longest river in California. Sec. 203 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 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.

Finally, the bill also includes a provision to halt implementation of the National Ocean Policy (Sec. 505), an important planning tool to coordinate the work of dozens of federal and state agencies with overlapping and sometimes conflicting responsibilities for addressing ocean development.

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.

Energy Provisions

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. The committee bill cuts funding for the Office of Energy Efficiency and Renewable Energy by \$1 billion (48% reduction) hurting important programs that support the development and deployment of wind energy, solar energy, advanced manufacturing, sustainable transportation technologies, and building technologies. Recklessly, the bill eliminates funding for the Advanced Research Projects Agency – Energy (ARPA-E) and the Title 17 loan guarantee program. Defunding ARPA-E cripples our ability to commercialize new technologies that will serve to meet our future clean energy needs. Furthermore, the Title 17 loan guarantee program has a strong track record of lowering the risks on deploying projects that can make cleaner and cheaper energy a reality.

The bill also includes \$120 million in a 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. 507 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 nuclear waste 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 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 an 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 amendments that would harm health and the environment.

Sincerely,

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