

USET SPF Action Alert: Oppose H.R. 3043, the Hydropower Policy Modernization Act

Dear USET SPF Board of Directors and DC Tribal Reps,

Please see the below communication from NCAI. The Hydropower Policy Modernization Act is scheduled for consideration on the House floor today. We encourage you to reach out to your House members **as soon as possible today** and urge them to vote no on this bill.

To find your representative and receive office contact information, please visit the House's "[Find Your Representative](#)" page [LINKED].

Thank you,

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From: John Dossett [mailto:John_Dossett@NCAI.org]

Subject: Oppose H.R. 3043, the Hydropower Policy Modernization Act

Dear Tribal Representatives:

Urgent Action Alert: Contact Congress to Oppose H.R. 3043, the Hydropower Policy Modernization Act, and Protect Tribal Trust Resources and Treaty Rights

This week [H.R. 3043, the Hydropower Policy Modernization Act](#) is expected to be considered on the floor of the U.S. House of Representatives. The bill would amend the hydropower licensing processes under the Federal Power Act in a manner that rolls back federal protections for trust and treaty resources. Specifically, H.R. 3043 would concentrate hydropower license decision-making authority and any subsequent review with the Federal Energy Regulatory Commission (FERC), and thereby restrict the ability of tribal governments, other federal agencies, and states to protect natural resources and tribal treaty rights. A sample letter or e-mail is below.

NCAI passed [Resolution #SD-15-09, Oppose Proposed Amendments to the Hydropower Provisions of the Federal Power Act](#), at its Annual Conference in 2015. The resolution opposes changes to the hydropower section of the Federal Power Act that: (a) weaken the current

protections Indian tribes have through the Mandatory Conditions requirements under Section 4(e) of that Act; (b) overturn *City of Tacoma, Washington v. F.E.R.C.*, 460 F.3d 53 (D.C. Cir. 2006), which affirmed the authority of federal agencies to address the impacts of water diversion taking place off reservation lands after decades of hard-fought litigation; (c) undermine efforts to restore fish populations through the requirement of fishways; and (d) unnecessarily limit the available time and scientific information available to federal agencies in deciding what Mandatory Conditions should be included with a license.

Given the impacts this bill could have on tribal trust resources and treaty rights, we ask that tribes and tribal organizations weigh in to oppose H.R. 3043 by meeting, calling or writing to your Congressional delegation or staff, particularly your Member in the House of Representatives, and asking them to vote against H.R. 3043. A draft letter or e-mail is below.

If you have any questions or comments, please contact Jacob Schellinger at jschellinger@ncai.org.

Draft Letter or E-mail:

Date

Re: Opposition to H.R. 3043, the Hydropower Policy Modernization Act

Dear [Member of House of Representatives]:

I write on behalf of the _____ (name of tribe or organization) to ask you to vote against H.R. 3043, the Hydropower Policy Modernization Act, which is expected to be considered on the floor of the U.S. House of Representatives this week. The bill would amend the hydropower licensing process under the Federal Power Act in a manner that rolls back federal protections for tribal trust and treaty resources. Specifically, H.R. 3043 would concentrate hydropower license decision-making authority and any subsequent review with the Federal Energy Regulatory Commission (FERC), and thereby restrict the ability of tribal governments, other federal agencies, and states to protect natural resources and tribal treaty rights.

Specifically, we oppose changes to the hydropower section of the Federal Power Act that: (a) weaken the current protections Indian tribes have through the Mandatory Conditions requirements under Section 4(e) of that Act; (b) overturn *City of Tacoma, Washington v. F.E.R.C.*, 460 F.3d 53 (D.C. Cir. 2006), which affirmed the authority of federal agencies to address the impacts of water diversion taking place off reservation lands after decades of hard-fought litigation; (c) undermine efforts to restore fish populations through the requirement of fishways; and (d) unnecessarily limit the available time and scientific information available to federal agencies in deciding what Mandatory Conditions should be included with a license.

Given the impacts this bill could have on tribal trust resources and treaty rights, we ask that you vote against H.R. 3043, and urge your colleagues to do so as well. Thank you for your service in Congress, and for your commitment to protecting tribal treaty rights and the federal obligation to tribal trust resources.

Respectfully,