

May 14, 2008

The Honorable Charles Rangel  
Committee on Ways and Means  
U.S. House of Representatives  
1102 Longworth House Office Building  
Washington, D.C. 20515-6348

Dear Mr. Chairman:

American Rivers, the Union of Concerned Scientists and the National Hydropower Association come together to thank you for your leadership on renewable energy tax matters and urge you to add language to the renewable energy tax package scheduled for mark-up this week that would add necessary environmental protections while modernizing the Section 45 Production Tax Credit provisions for hydropower development at existing non-powered dams.

Our group jointly proposes that developers of hydropower facilities at existing non-powered dams be required to:

- Meet FERC license and other applicable environmental and regulatory requirements, including applicable fish passage requirements;
- Utilize existing dam structures already operated for flood control, navigation, or water supply purposes; and
- Operate the new project in a manner that protects river flows by maintaining surface water elevations that would have occurred at the existing dam in the absence of the hydroelectric project, subject to improvements for the environmental quality of the waterway.

This compromise approach was the result of over a year's worth of discussions to clarify the treatment of hydropower at non-powered dams between NHA and these NGO partners and others. It has been well received by members of the Committee who have significant District connections to the issue and could jumpstart development of additional renewable hydroelectric capacity.

We thank you for your consideration. Please feel free to contact any of our organizations for additional details.

Sincerely,

John Seebach  
American Rivers

Marchant Wentworth  
Union of Concerned Scientists

Jeffrey Leahey  
National Hydropower Association