

Statement of Congressman Scott Tipton
Tuesday March 5, 2013
Before the House Subcommittee on Water and Power
Legislative Hearing on H.R. 678, the “Bureau of Reclamation Small Conduit Hydropower
Development and Rural Jobs Act”

Thank you Chairman McClintock for convening today’s hearing and including my bill, H.R. 678, the Bureau of Reclamation Small Conduit Hydropower Development Rural Jobs Act. I also want to thank you, and Congressmen Gosar and Costa for your continued dedication to this common sense, bipartisan reform, which I believe is within reach of becoming public law this year. I’m pleased to have Chris Treese from the 3rd Congressional District of Colorado here with us today to testify on the bill. His expertise and leadership on this issue has been of great value.

At a time when our country needs to focus on domestic energy production and job creation, hydropower can play a critical role in providing clean, renewable electricity while expanding job opportunities in rural America.

Hydropower is the cheapest and cleanest source of electricity available through modern technology. According to the Energy Information Administration, it’s the highest source of non-carbon emitting energy in the world and accounts for approximately 70% of the United States’ total renewable electricity generation, making it the leading renewable energy source of power. My home state of Colorado has hydropower, but there’s still an enormous opportunity for new hydropower development at existing facilities. Canals and pipelines in the State, if developed, can generate as much power as the Glen Canyon Dam – enough emissions-free power for a million homes.

Increased conduit hydropower serves a number of purposes: it produces renewable and emissions-free energy that can be used to pump water or sell electricity to the grid; it can generate income for an irrigation district to help pay for aging infrastructure costs and facility modernization; and it can create local jobs and generate revenue to the federal government. It’s as simple, as this poster demonstrates, as easy as putting in a portable generator into moving canal water. Recognizing the benefit of small hydropower development for communities and ratepayers, this year’s legislation has been updated to apply to small units generating five megawatts or less.

The only thing standing in the way of realizing the incredible potential of this readily available renewable energy source is the existing federal regulatory framework, which stifles development and entrepreneurship. For this reason, I reintroduced this bipartisan legislation.

The bill authorizes power development at the agency’s conduits to clear up multi-federal agency confusion and duplicative processes and reduces the regulatory costs associated with hydropower development.

This legislation removes duplicative environmental analysis to reduce costs. These existing man-made facilities have already gone through environmental review, so there's simply no need for another costly review. Duplicative NEPA analysis for this activity does nothing to protect the natural environment in any way, and only serves to make renewable energy projects financially unfeasible.

While the Bureau of Reclamation has recently attempted to address this by establishing its own categorical exclusion from NEPA, it does so on a site specific basis which would likely be cumbersome to implement, increase exposure to litigation, and, as with all agency directives, is subject to later change by this administration or future administrations. I'm open to a discussion on this topic, but the bottom line in this is that we cannot exchange one bad regulation for another unworkable one and I'm concerned that this is what the agency is doing.

H.R. 678 also substantially reduces administrative costs. Instead of the current process where the Bureau of Reclamation must painstakingly analyze each and every proposal for development, the bill gives the right of first refusal to the entity/entities operating and maintaining the federal conduit, in order to give those most familiar with the operation of the facility a chance to take advantage of hydropower development while significantly decreasing planning costs.

The bill also protects water users by specifically re-affirming hydropower development as secondary to water supply and delivery purposes and ensuring that there will be no financial and operational impacts to existing water and power users.

I'm proud to have the support of the Family Farm Alliance, the National Water Resources Association, and the American Public Power Association, among others. Last Congress this legislation passed out of Committee with bipartisan support. The House then passed the bill with considerable bipartisan support, and it received a hearing in the Senate Water and Power Subcommittee. I am honored to have the support of Senator Barrasso who has introduced companion legislation in the Senate. I believe this bill has significant bipartisan momentum in this Congress.

Thank you again Chairman McClintock, and with your permission, I would like to submit letters of support for the record.