

# San Francisco Chronicle

## Dams, fish and kayakers must share our rivers

By Matt Weiser |

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On the western flank of the Sierra Nevada, the American River tumbles out of the Desolation Wilderness, transforming snowmelt into whitewater as it churns through granite clefts. The river is one of California's most popular playgrounds for rafting and kayaking, activities bound by necessity to the operation of 11 hydroelectric dams that also share the river.



**Slab Creek in the Sierra is among California's popular playgrounds for boating and kayaking.**

Photo: Glenn Brank / Norcalyak.com

Thanks to a renewed federal license issued for those dams in 2014, the Sacramento Municipal Utility District must now release water on a schedule that ensures more than 40 additional days of whitewater boating in dry years, and more than 140 days in wet years.

The additional flow also improves habitat for foothill yellow-legged frogs, an imperiled species, native rainbow trout and other wildlife.

This is just one example of a hydroelectric project now heeding contemporary environmental principles, thanks to reforms imposed by the Federal Energy Regulatory Commission during the Obama administration. There are dozens of other examples across the West in which old hydro-power projects have been updated for the 21st century. Unfortunately, this progress could soon come to a standstill.

In the coming weeks, President Trump is likely to appoint a new conservative majority to the five-member FERC. We haven't heard much about these appointments, but they are arguably as momentous as Supreme Court appointments.

That's because FERC hydro-power licenses have 50-year terms, meaning their effects are essentially permanent for local communities, aquatic habitat and wildlife. It is vital that new licenses reflect modern conditions because, as climate change unfolds, people and wildlife alike need more access to the cold, clean water captured by dams from high elevations.

The stakes are huge: There are 23 California hydroelectric licenses pending at the FERC, and 18 more expected to come forward during Trump's term. They include projects on the Yuba, Feather, Bear,

Merced, Pit and McCloud rivers — all with important recreational and ecological concerns. Some, built in the 1960s without fish ladders, are only now coming up for their first license renewal.

While some hydroelectric dam owners also sell water, electricity is their main revenue source. Yet modernizing dams doesn't require a big hit to revenue. On the American River, for instance, SMUD power generation declined only 7 to 8 percent due to the required flow increases for recreation and wildlife. And it will make some of this back in more flexible summer generating practices.

There are two vacancies on the five-member FERC commission, and a third expires in June. Rumors suggest Chairman Norman Bay will resign, even though his term runs until 2018. So Trump could seat four new commissioners within six months.

The FERC chairman has a large role in setting the agency's agenda. Bay, appointed by President Barack Obama, has sought to more closely regulate utilities and prevent energy market manipulation. He also has focused on encouraging green energy by pushing for smart-grid systems and improved transmission networks to accommodate wind and solar power.

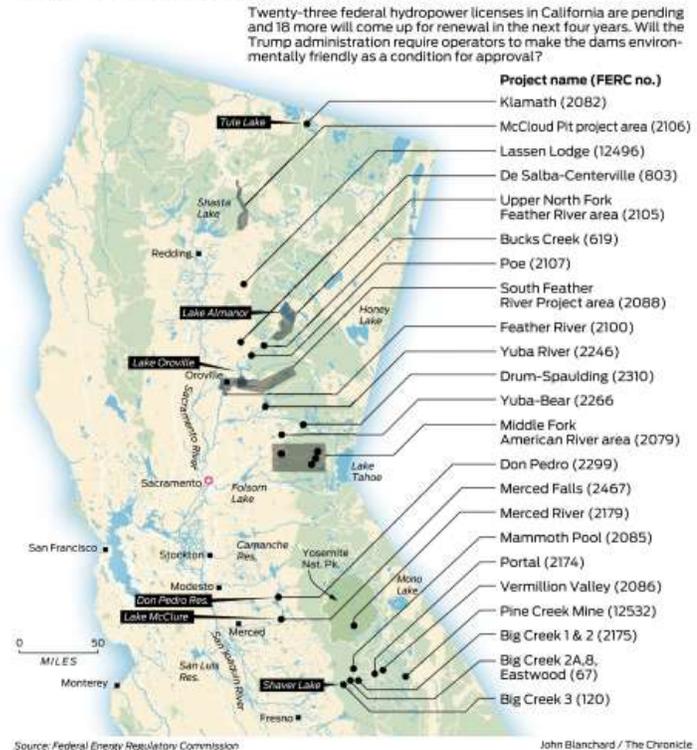
Trump is said to be considering FERC Commissioner Cheryl LaFleur as the next chair. LaFleur has close industry ties and is a former executive at National Grid USA, a utility serving several northeastern states.

A 1986 law, the Electric Consumers Protection Act, requires FERC to give "equal consideration" to enhancing recreation, habitat and wildlife populations in its regulatory efforts. As a result, new hydro-power licenses have included many requirements to make dams more environmentally friendly.

But to a certain extent, such requirements are a matter of choice for the commission.

The law requires FERC to solicit and address recommendations from resources agencies such as the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Those agencies are not required to respond and, if they do, their priorities may shift under the new administration. In any case, the commission is not required to heed all recommendations, and may choose less effective measures.

### Hydroelectric projects for the 21st century



For example, rather than ordering a dam owner to install fish ladders, it could require a so-called “trap and haul” system, in which fish are moved around a dam in tanker trucks. This is known to be riskier to fish and less effective, especially when they need to move back downstream.

“I expect, literally, that the federal agencies are going to take a four-year break from doing anything other than rubber-stamping what the dam licensees want,” said Ronald Stork, senior policy adviser at Friends of the River, who has monitored federal water policy since the Reagan administration.

State laws could keep hydro-power reform moving forward. These include California’s Porter-Cologne Act, which regulates water quality; and the state’s system of water rights, which allows amendments whenever a concern emerges.

But the hydro-power industry is working to undermine states.

In 2015, the House passed a bill, HR8, with amendments negotiated in secret to prevent states from exercising certain powers in hydropower licensing. The Obama administration threatened to veto it.

The bill was supported by Pacific Gas and Electric Co., which has seven California hydropower licenses pending at FERC. “The prescribed licensing processes in place are overly complex, unnecessarily protracted, insufficiently coordinated and needlessly expensive,” Debbie Powell, senior director of PG&E power generation operations, said in April during House testimony on the legislation.

Another attempt at the legislation will likely see smooth passage in Republican-controlled Washington.

Voters need to remind members of Congress and the Trump administration that dams mean more to the economy than electricity. Hydro-power also has a duty to provide clean water, healthy fisheries and vibrant recreation. FERC and other federal agencies have those obligations as well.

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<http://www.sfchronicle.com/opinion/openforum/article/Dams-fish-and-kayakers-must-share-our-rivers-10881061.php>

*FOR annotation: Among the state powers that might be affected by contemplated legislation is also the federal clean water act. FERC licensing actions must be accompanied by water quality certifications which the states are delegated to issue.*