



March 24, 2025

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
United States House of Representatives
Washington, DC 20515

H.R. 1897 – “ESA Amendments Act of 2025”

Dear Chairman Westerman:

My name is Alex Linden and I am the Government & Public Relations Manager of the Central Nebraska Public Power and Irrigation District located in Holdrege, Nebraska. I am writing today to express our District’s support of H.R 1897 “ESA Amendments Act 2025”.

We welcome the House Committee on Natural Resources focus on improving federal environmental review and permitting of national energy goals and the long overdue modernization of the Endangered Species Act (ESA).

Central is Nebraska’s largest producer of hydropower, with approximately 115 megawatts of generation capacity at four plants. We are probably best known as the owner and operator of Lake McConaughy in Keith County, the largest reservoir in the state of Nebraska.

Central supports Congress trying to improve the permitting and regulatory processes for building and maintaining U.S. Hydropower – a reliable, baseload, renewable energy resource. With accelerating load growth, the time is now to modernize and finally resolve the complicated regulatory maze that is the licensing process for hydropower development in the United States. Contained in HR 1897 are provisions that will continue to protect endangered species, while also providing project developers and owners greater certainty, more timely decision making with fewer delays, and reduced process costs. Specifically, we identified the following provisions from the bill that will improve the implementation of ESA.

- HR 1897 will require under Section 7 consultation, that the Services, define the past, present and future impacts from existing structures (e.g., dams) as part of the “environmental baseline.” The question of whether a structure is part of the environmental baseline should not depend on the extent of the action agency’s discretion to remove that structure, but rather on whether it in fact exists already. HR 1897 will

clarify that the Services continued practice of not including existing structures as part of the environmental baseline fly in the face of both pragmatism and common sense, but also contradicts existing analogous caselaw that supports using the existing project baseline for relicensing hydropower projects under the FPA and evaluation of those impacts under the National Environmental Policy Act [*American Rivers v. Federal Energy Regulatory Commission*, 201 F.3d 1186, 1196 - 1201 (9th Cir. 2000)].

- The bill also codifies that Services should use best-available, not worse case, science and analysis when evaluating outcomes from a proposed action.

Both examples were very significant in our last relicensing process and would be again in our next relicensing.

Thank you for your consideration of these important matters critical towards the hydropower industry and in particular, the Central Nebraska Public Power and Irrigation District. Please reach out if you have any specific questions.

Sincerely,



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