United States Senate
WASHINGTON, DC 20510

July 21, 2026

The Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

The Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

The Honorable Laura V. Swett
Chairman
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Dear Secretary Burgum, Secretary Rollins, Secretary Lutnick, and Chairman Swett,

Hydropower has provided reliable, affordable, and baseload electricity in the United States since the 1880's. Today, hydropower remains a major producer of electricity throughout the country and utility scale generation is found in almost every state. However, with forty percent of projects up for relicensing by 2030, the nation's existing hydroelectric fleet is under threat due to burdensome, lengthy, and expensive relicensing and new generation is becoming economically unattainable due to permitting delays and litigation threats. While Congress works to address these issues through comprehensive permitting reform, the Federal Energy Regulatory Commission (FERC), Department of the Interior (DOI), Department of Agriculture (USDA), and Department of Commerce (DOC) can take steps today to bolster hydropower, create jobs, expand baseload power, and support rural communities by initiating rulemakings to address abuses of mandatory conditioning under Section 4(e) and Section 18 of the Federal Power Act (FPA).

Sections 4(e) and 18 of the FPA authorize federal resource management agencies including DOI, USDA, and DOC to impose mandatory conditions for hydropower licenses. Over the last couple of decades those conditions have become increasingly complex, expensive, and often unrelated to the direct effects of the project. These abuses are threatening both existing and potential projects and ultimately contributing to the decline of domestic hydropower production. FERC and resource agencies can and should take steps to limit mandatory 4(e) and 18 conditions and set clear and attainable definitions for resource agencies and license applicants. Specifically, FERC and resource agencies should initiate rulemakings to:

- Limit mandatory conditions to those that address direct effects of a project;
- Limit the scope of the project area to its immediate vicinity;
- Define 'fishway' to clarify that prescribed structures are intended only to address direct impacts to fish passage;

- Require conditions to be backed by the best available science;
- Require agencies to provide a statement with any prescribed conditions that demonstrates equal consideration to the effects of the condition "on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality)," as required in FPA Section 33; and
- Ensure that conditions are not overly burdensome or costly.

Taking steps now to address these issues will usher in a generational shift in hydropower production, keep costs lower for consumers, build jobs, maintain grid reliability, and protect critical blackstart assets, all while continuing to protect our natural resources. We urge you to immediately initiate rulemakings at each of your agencies and look forward to working closely with you to support new and existing hydroelectric generation.

Sincerely,

Steve Daines
United States Senator

James E. Risch
United States Senator

Mike Crapo
United States Senator

Lisa Murkowski
United States Senator

Pete Ricketts
United States Senator

Alan Armstrong
United States Senator

Tim Sheehy
United States Senator

Dan Sullivan
United States Senator

CC: Council on Environmental Quality, 730 Jackson Place N.W., Washington, DC 20503