



NHA

**National Hydropower
Association**

LEGISLATIVE COMMITTEE CALL

OCT 6, 2026



AGENDA

- Hot Takes
- BAAJA – What's in it for hydropower?
- Expert Roundtable
- The Ask
- NHA PAC Update
- Election Webinar Plug

 HOT TAKES
MAURA **MIKE** **DUFF**

NHA LEGISLATIVE TRACKER

Legislation	Intro House	Intro Senate	Pass House Committee	Pass Senate Committee	Pass House	Pass Senate	Enacted
Hydropower Licensing Affordability Act (H.R. 9337, S. 5048)	●	●	—	—	—	—	—
Maintaining and Enhancing Hydro (H.R. 2160 / S. 1183)	●	●	—	—	—	—	—
Build More Hydro Act (H.R. 2072 / S. 1020)	●	●	●	●	●	●	●
Licensing Transparency Act (H.R. 3657 / S. 3500)	●	●	●	●	●	●	●
FLAWS Act (S. 3518, H.R. 9806)	●	●	—	●	—	—	—
Water Power R&D Reauth. (H.R. 7129 / S. 3684)	●	●	●	—	—	—	—
Bipartisan American Affordability and Jobs Act (S. 5653)	—	●	—	—	—	—	—
<i>Other Legislation</i>							
PERMIT Act (H.R. 3898)	●	—	●	—	●	—	—
SPEED Act (H.R. 4776)	●	—	●	—	●	—	—
ESA Amendments Act (H.R. 1897)	●	—	●	—	—	—	—
RAPID Act (Latta & DeGette)	—	—	—	—	—	—	—
Pumped Storage Licensing (Griffith & DeGette)	—	—	—	—	—	—	—
Rural Jobs & Hydropower Expansion Act (H.R. 7487)	●	—	●	—	—	—	—
WRDA Sec. 408 (H.R. 9705 / S. 4992)	●	●	—	—	—	—	—
American Energy & Mineral Infrastructure Act (S. 4944)	—	●	—	—	—	—	—
CURRENT Act (H.R. 9855)	●	—	—	—	—	—	—

● NEW | ● Milestone reached | — Not yet reached | Included in DAAJA

WHAT'S IN IT FOR HYDROPOWER

§1202 LANDMARK · CRITICAL

Clean Water Act §401 Reform

Scope limited to water quality; clear-and-convincing evidence to deny; least-burdensome conditions.

§2232 LANDMARK · CRITICAL

FPA §4(e) Conditioning Reform

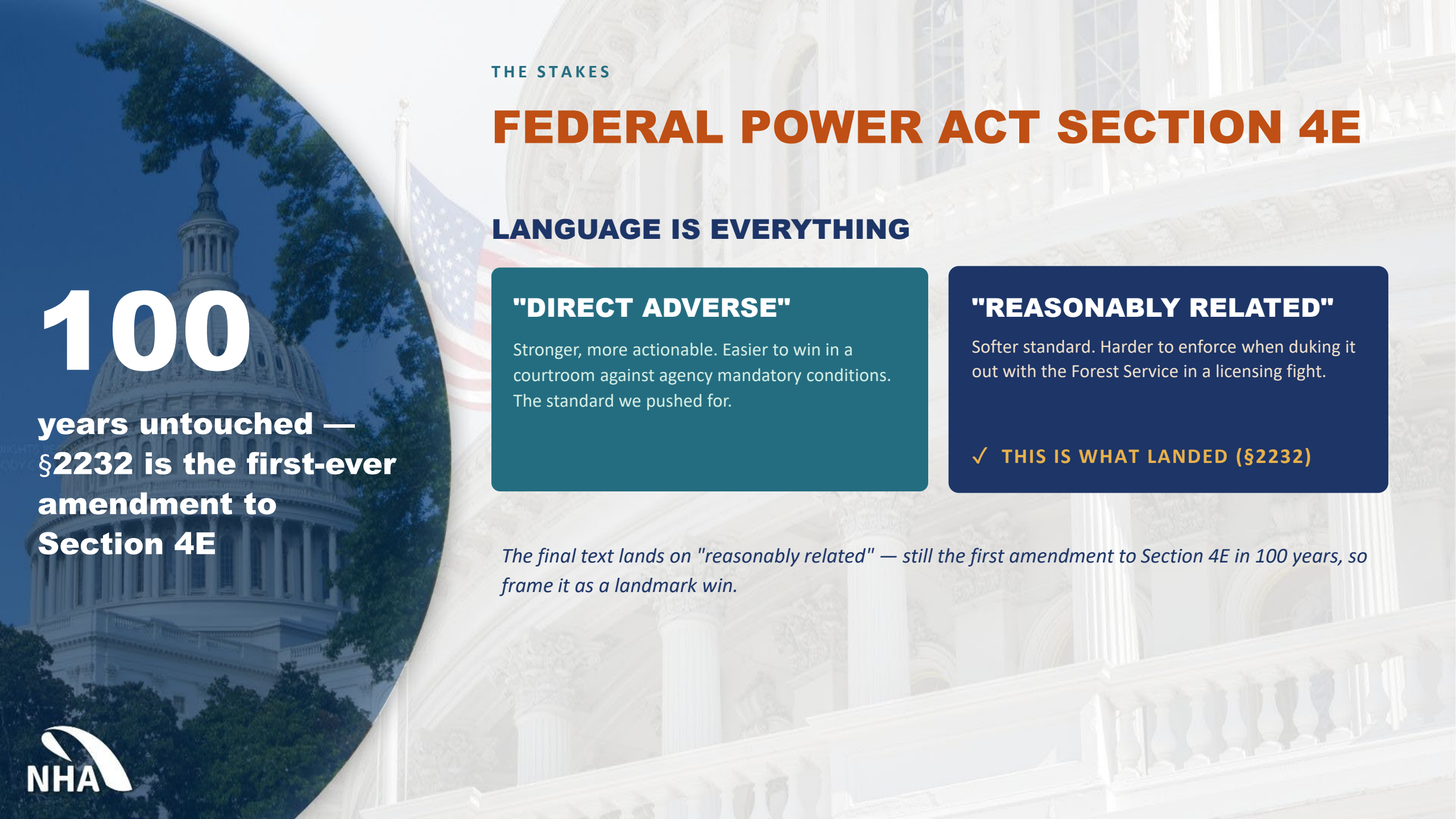
First statutory limit on mandatory conditions in 100 years: must be "reasonably related to the effects of the project."

HIGH PRIORITY

- §1106 NEPA timelines — 1-yr EA / 2-yr EIS deadlines
- §1110 NEPA judicial review — 150-day SOL, remand w/o vacatur
- §1302 ESA §7 — shorter consultations within NEPA timelines
- §1401 Project certainty — protects issued permits from rescission
- §2231 Market barrier study — FERC + DOE (strategic win)
- §2233 Maintenance — exempts routine O&M from FERC approval
- §2301 NHPA — tight SHPO/THPO timelines, narrower APE

MEDIUM PRIORITY

- §1205 CWA §404 judicial review — 150-day SOL
- §1304 State assumption of ESA consultations
- §1305 ESA judicial review — 150-day BiOp challenge window
- §2201 Accelerating claims — universal 150-day SOL
- §2234 Micro hydrokinetic (<5 MW) — 1-yr licensing pathway
- §2241 FERC staffing — hiring flexibility for review capacity



100

years untouched —
§2232 is the first-ever
amendment to
Section 4E

THE STAKES

FEDERAL POWER ACT SECTION 4E

LANGUAGE IS EVERYTHING

"DIRECT ADVERSE"

Stronger, more actionable. Easier to win in a courtroom against agency mandatory conditions. The standard we pushed for.

"REASONABLY RELATED"

Softer standard. Harder to enforce when duking it out with the Forest Service in a licensing fight.

✓ THIS IS WHAT LANDED (§2232)

The final text lands on "reasonably related" — still the first amendment to Section 4E in 100 years, so frame it as a landmark win.

E-NGOS ARE ALREADY LINING UP AGAINST BAAJA

- American Whitewater and allied groups are treating BAAJA's §1202 and §2232 as the headline targets — a direct hit on CWA §401 authority and FPA §4(e) conditioning
- Expect the framing to be "rivers and tribes vs. a permitting giveaway" rather than a debate on licensing timelines — emotionally simpler and faster to mobilize
- Litigation posture is being built now: the 150-day statutes of limitation and remand-without-vacatur language are what they will fight hardest to strip
- Tribal and fisheries organizations are the most consequential voices — their opposition gives the indifferent middle of the Democratic caucus cover to stall

Brett Hartl [01:34]

Um I understand obviously this is a tricky issue for a lot of groups and that it is a long bill and people are digesting it. But I guess I think we have to also have a clear understanding of the front end on the on what this call will do and what information will be shared out um beyond sort of our our space because you know just to be totally candid If your organization is not opposing this bill, our tactics and information cannot get back to Dan Dudas and White. House and Heinrich and others. And I think we really have to have a pretty clear agreement by all parties that like this is a this is an organ this is a this is an effort to stop this bill not to make it better. They've already made clear my understanding of the the Senate process there won't be amendments. And trying to perfect a bill that's 400 plus pages that harms so many of our interests is um, you know, I just want to be really clear, like I think we have to be honest

WHAT IT MEANS FOR NHA

DON'T CEDE THE NARRATIVE

Stay factual: §2232 (4e) is modest and reasonable. Hydropower reforms align with objectives of bill and SCOTUS Seven County precedent

Be ready to respond: Arm members with one-page rebuttals before E-NGO statements land, talk about how positive this will be for the industry in solving its long standing issues.



EXPLORE ENGAGE SUPPORT

Permitting Bill Undercuts State And Federal Ability To Protect Rivers From Hydropower Dams

News, Water Quality

October 1, 2026





**We have already
received feedback
from members, NHA's
ability to influence
this package will be
incredibly limited.**



Q&A WITH NHA COUNSEL

- Charles “Chuck” Sensiba, Troutman Pepper Locke – Federal Power Act
- Cherise Gaffney, Gaffney Law – Endangered Species Act
- Michael Campbell, Stoel Rives – Clean Water Act

THE PROVISIONS THAT MATTER MOST

Sec.	Provision	Priority	What it does	Assessment
1202	Clean Water Act §401 Reform	Critical	Scope limited to water quality; clear-and-convincing to deny; least-burdensome conditions	<i>Landmark Reform</i>
2232	FPA §4(e) Conditioning Reform	Critical	Conditions must be "reasonably related to the effects of the project"	<i>Landmark reform</i>
1106	NEPA Timelines	High	1-yr EA / 2-yr EIS deadlines with enforceable accountability	<i>Major benefit</i>
1110	NEPA Judicial Review	High	150-day SOL, standing limits, remand without vacatur	<i>Major benefit</i>
1302	ESA §7 Consultation	High	Shorter consultations, completed within NEPA timelines (FWS / NOAA)	<i>Major benefit</i>
1401	Project Certainty	High	Limits agencies' power to rescind or suspend issued permits	<i>Major benefit</i>
2231	Hydropower Market Barrier Study	High	FERC + DOE study barriers; weigh reliability, ancillary & storage value	<i>Strategic win</i>
2233	Maintenance & Temp. Adjustments	High	Exempts routine O&M and emergency variances from FERC approval	<i>Operational relief</i>
2301	NHPA Reform	High	Tight SHPO/THPO timelines, narrower APE, direct-adverse limit, 150-day SOL	<i>Major benefit</i>
2241	FERC Staffing	Medium	Directs FERC to add licensing staff and report on workload capacity	<i>Capacity builder</i>
2242	PMA Executive Compensation	Medium	Lets Power Marketing Administrations pay market-rate executive salaries	<i>Talent retention</i>

*Plus 5 Medium-priority provisions (§1205, §1304, §1305, §2201, §2234) rounding out the package. Speakers: Sensiba → §2232, §2301, §1106, §1110
 · Gaffney → ESA · Campbell → §1202.*

SCAN TO GO
TO VOTERVOICE



THE ASK

Support BAAJA in public and private to Congress and stakeholders.

VV Link:

<https://hydro.org/votervoice/>

WIN OR LOSE, THE CASE HOLDS

\$15K

raised to date

*Initial contributions already made to
targeted members*

THE DUAL-USE FRAMING

When support for hydropower is strong → sustain the momentum and build on the win.

When support for hydropower is weak → proof we need more political capital. (e.g., if pipelines beat hydro on 401.)

NHA x LOT16 WEBINAR



Thursday, Oct 15th
2:00-3:00PM ET

Join NHA staff and Lot Sixteen for an election primer on the state of the midterm races across the country. The team will discuss key races for the House and Senate, and how changes in leadership in either chamber could impact the remaining two years of the Trump administration as well as hydropower priorities in Congress.

Not on your calendar? Email Allyson
(allyson@hydro.org)

