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Prof. Cass Sunstein, Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
The White House  
Washington, DC

Re: Agency “Nudges” that could generate a lot of green power through disclosure.

Dear Dr. Sunstein:

We are in the middle of trying to retrofit dams for small hydro-electric projects. These could provide 24/7 green energy that is needed to balance other less-reliable green sources. There are many obstacles to getting these built. Not one of them is technical. Most obstacles are related to Federal agencies which either:

- have agendas that can be advanced by either opposing small hydro projects for local environmental gains, or
- are actively avoiding needed complicated work to analyze and possibly support renewable projects.

An example of the former is NOAA’s active avoidance of looking at off-site effects of inhibiting small projects. For example, NOAA’s office of NMFS is rightly concerned about anadromous fish. However, due to the isolated regional structure of NOAA/NMFS offices, each project is evaluated for the local impact only. Often, a project will have a deleterious impact locally, but when evaluated on a national context, the direct and indirect effects of the renewable project may outweigh the local impacts. NOAA/NMFS opposition to net beneficial projects is NIMBYism cloaked in an environmental mantle.

The “nudge” we request is to ask NOAA to evaluate every renewable project in a National context. Please also ask them to show in quarterly reports how effective they have been in encouraging specific private sector renewable projects (not programs) by addressing aggregate offsite impacts in agency evaluations and decisions.

For an example of the latter, please see the attached letter from EPA. The acid rain reduction from the green small hydropower will benefit fish all across the US, but EPA finds every excuse possible not to use their authority under Section 309 of the Clean Air Act to step in and comment constructively on renewable hydro projects. This is simply a case of an Agency, which has a prime opportunity to help with green power development, ducking its responsibility. The “nudge” with EPA is to have them publish a scorecard of how effective the agency has been in reaching out, analyzing, and supporting renewable development projects (not programs) by constructively evaluating the downwind air quality effects of Federal Agency actions.

NIMBY environmentalism is prevalent at USFWS also. Local offices make local decisions. These decisions ignore the resulting direct and indirect “off-site” effects that are leading to the national and global genetic diversity collapse so clearly enunciated by E. O. White and others.

Currently, these agencies, under the aegis of protecting a local environmental resource have become the major obstacles to our sustainable future. Care is needed when questioning these agencies as Environmentalism is our new religion and its priests and priestesses feel they are wrapped in its unerring raiment.

In the name of disclosure, we request reports on local vs. national effects analyses of all federal actions that directly or indirectly are addressed by the environmental agencies. These reports, when pertaining to renewable energy projects, should include an analysis of all projects that were turned down due to lack of appropriate national consideration as well as projects that were enabled as the

result of national level evaluation. If this Administration is “for” renewable energy, then let’s advertise how these goals are supported or defeated by these agencies’ actions or lack thereof.

Respectfully,



Richard Ely, Principal  
The Kilarc Foundation – A Fish Resource Restoration Corporation  
Davis Hydro, LLC - An active small hydro developer

Attachment

cc: J. Lubchenco NOAA  
L. Jackson, EPA  
R. Gould, USFWS  
FERC P-606