



## 2005 ANNUAL REPORT

### PRESIDENT'S MESSAGE

The hydropower industry will always remember this past year for the Energy Policy Act of 2005. The Act, with provisions that reform the hydropower licensing process and provide tax incentives for new hydropower development, will help usher in a new era of hydropower growth and development. The bill also ensures better recognition for hydropower as an important renewable energy source. What a year! It has truly been my privilege to serve as president of this Association during a time when NHA achieved its most important legislative victory ever.

Although EAct 2005 occurred under my watch, I just happened to be the one holding the presidential baton when the Act passed. Credit and praise should go to many; to those who preceded me in this position, to those who have served on the NHA Board; to those who have been active at the committee level; and to those who have worked as NHA staff members. Everyone who has been involved in NHA during the last ten years should feel proud about what was accomplished in 2005. But as we celebrate and embrace our success, we must also remember not to simply rest and reflect; more work needs to be done.

Before I stand on my soapbox, however, I want to take a few moments and discuss what we accomplished this year.

During my presidency, I focused on the three D's—changing the debate, driving the default, and drawing upon the expertise of NHA's membership. From Capitol Hill to Montréal the Association worked to change the debate and promote hydropower as a clean energy resource. In Canada we talked with countries who signed the Kyoto protocol to make sure hydropower was included in mechanisms to reduce greenhouse gas emissions; in Albany, New York we held a special workshop to discuss advancements in new turbine designs; and in Washington, D.C., with federal and state regulators and the NGO community we discussed the relicensing challenges of new technologies.

In 2005 the Integrated Licensing Process (ILP) became the default. Throughout the year, the Association stayed engaged with FERC and other stakeholders to make sure it was successfully implemented.

As a member-driven organization, NHA uses a collaborative model to build consensus for much of its work. This shared work model allows the Association to tap into the vast experiences of its members. In 2005, this group effort produced outstanding results: filing an industry-wide amicus brief to the Supreme Court on a case of significant importance, filing comments on the Interior-Commerce-Agriculture rulemaking implementing the hydropower provisions included in the Energy Policy Act of 2005, and working with FERC on its certification process for the Section 45 Production Tax Credit (PTC).

As a group we should be very proud of what we accomplished in 2005. However, we cannot be complacent as more hard work lies ahead.

Inclusion in the PTC was extremely important, but NHA, along with its renewable partners, needs to work to extend the placed in service deadline beyond 2008.

Endangered Species Act reform is receiving more attention on Capitol Hill. As it does, hydropower's perspective must be considered. The Association needs to stay engaged and be involved with those on the Hill who seek to modify the Act.

There is tremendous discussion about the need for clean and diverse energy. Hydropower could be overlooked as a clean energy source for the future. To make sure this does not happen, we must work with individual states and the federal government as they begin to implement clean energy strategies.

Finally, the industry must work to reinstate the Department of Energy's hydropower budget. The full impact and benefits of the Advanced Hydropower Turbine System program will not be realized unless funding is restored.

Although these goals may sound daunting and the road may appear long, so did licensing reform when we chose it as an initiative. Because of our commitment to perseverance, we achieved success. And with this same attitude, we will again achieve great things.

George A. Martin  
President



NATIONAL HYDROPOWER ASSOCIATION

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## EXECUTIVE DIRECTOR'S MESSAGE

Webster's defines success as "a favorable satisfactory outcome or result." By all accounts, 2005 was just that. NHA achieved its number one legislative priority; licensing improvements. In the same year, we secured financial incentives for new growth and development through hydropower's inclusion in the Production Tax Credit and the clean renewable energy bond program. What a fantastic year! It far surpassed any of my wildest dreams or hopes.

With this legislative success, we have laid a wonderful foundation for growing the hydropower resource—a goal NHA set some time ago. Hydropower stands on the threshold of a new era, and that's great for our industry. Even more important, it comes at a great time for our nation.

This is a unique time in our country's history. Energy policy drivers are changing, and they are changing at an alarming rate. The nation, as it wrestles with the need to find cleaner energy choices, thirsts for new energy production. Global warming issues pose a formidable and daunting challenge. New studies indicate that alarming climatic changes are occurring, which will forever change our rivers, streams, and oceans. Energy security has never been more critical, and new polls show that energy and the environment

are now the number two concern of the American public. Clean, renewable, climate-friendly hydropower (traditional and new advanced technologies) brings much to the table at a time when our nation needs it the most. The question before us is: Will we, industry, stakeholders, and policymakers at all levels of government, work together to further this end. There is no magic bullet that will help our nation meet its clean energy needs. It will take a diversified energy portfolio, and yes, hydropower must be a part. Today, there is much more recognition of this fact. That's a great outcome!

So as we celebrate the wonderful results of this past year, I ask that you to take stock of where we are and where we are going and to celebrate this great resource. Even more important, I ask that you continue to build on our journey: Please take every opportunity to promote the benefits of hydropower. Work with us over the coming months and years ahead to see it take its rightful place as a preferred, clean, climate-friendly energy choice in our nation's energy future.



Linda Church Ciocci  
Executive Director

## YEAR IN REVIEW

## 2005



### THE ENERGY POLICY ACT 2005

Ten years of hard work paid off in 2005 when Congress adopted and President Bush signed comprehensive energy legislation into law that included important bipartisan provisions critical to the hydropower industry. The Energy Policy Act of 2005 (EPAcT 2005), a landmark accomplishment for the hydropower industry, will help reverse a decade-long trend of slow growth and frustration by:

- Improving the hydropower licensing process;
- Adding hydropower to the list of renewable energy sources eligible for the renewable energy PTC and developing the new clean energy bond program;
- Authorizing incentive payments for new hydropower development and efficiency improvements;
- Including hydropower in the federal power purchase program; and
- Calling for increased funding for the Department of Energy's hydropower program.

(For more details on EPAcT 2005 please visit NHA's website at [www.hydro.org](http://www.hydro.org))

### *As a Group and On Its Own*

Securing the hydropower provisions in EPAcT 2005 was no easy task; it took a concentrated and collaborative effort by many individuals on many fronts. NHA staff, its members, partner associations, and coalitions worked together to solidify bipartisan support in the House of Representatives and the Senate, the results of which will benefit the industry for years to come.

And although it took a group effort on licensing reform, NHA can step out of the crowd and proudly take sole credit for hydropower's inclusion as a qualified resource eligible for the Section 45 PTC. Securing hydropower eligibility was a unilateral initiative of the Association. Because of this effort, for the first time in the 12-year history of the credit, owners and operators of hydropower projects who add "incremental hydropower" or add "qualified hydropower" to non-hydropower FERC-licensed dams prior to Jan. 1, 2008 will receive a .9 cent per kWh tax credit for the following ten years.



## Hard Work and Perseverance

As with any long-term initiative, securing the tax credit and the licensing reform provisions was difficult. It took hard work and the perseverance to endure many setbacks that occurred along the way. And just like any difficult challenge, sometimes it is the last push that makes the difference between success and failure. And in 2005, NHA drove hard.

In February, NHA's Legislative Affairs Committee Chairman, Jim Hancock, appeared before the U.S. House of Representative's Subcommittee on Energy & Air Quality. He told lawmakers that regulatory reform can maintain the benefits of hydropower while preserving existing environmental protections. The Association also submitted written testimony to the House Ways & Means Committee, highlighting the importance of incentives for new hydropower development at existing hydropower projects and non-hydropower dams.

The Association remained engaged and focused as the energy bill worked its way through the House and then the Senate. Through markups, amendments, and floor debates, NHA was at the center of the action. Each step of the way, the Association made sure the hydropower provisions were a part of the EAct of 2005. On Aug. 8, 2005, under the hot sun in the New Mexico desert, President Bush signed the bill into law. Though the day marked the ending of a long and arduous legislative endeavor, it also marked the beginning of a new, important regulatory effort, ensuring the federal regulatory agencies establish fair rules for implementing the Act's provisions.

### Implementation

Three months after EAct 2005 was signed, the Departments of Interior, Commerce, and Agriculture released joint Interim Final Rules on the hydropower licensing reform provisions. Although the regulations were implemented immediately, the public was asked to submit comments. NHA made the most of this opportunity. After studying the more than 200 pages of rules, the Association submitted comments to the federal agencies.

*(NHA's comments are available at [www.hydro.org](http://www.hydro.org))*

## WORKING FOR CHANGE

Although furrowing comprehensive energy legislation was a major initiative of NHA in 2005, it was not the only work of the organization. Significant effort went into other initiatives. Additional legislative objectives, court cases, regulatory issues, and public affairs goals also received attention.

## ON THE HILL

### Extending the Production Tax Credit

Although the Association was pleased with hydropower's inclusion in the PTC, its two-year "placed in service" window (the energy must be placed online by Jan. 1, 2008) is a concern because it does not give sufficient time for new projects to take advantage of the credit. Because of the impracticality, NHA went to work trying to garner support for extending the timetable. It met with several key Congressional members and sent letters to the White House and leaders of the Senate Energy and Natural Resource Committee.

## IN THE COURTS

### An Amicus Brief Before Supreme Court

NHA filed an amicus brief with the U.S. Supreme Court in a case that could decide whether Clean Water Act (CWA) Section 401 is required for certain hydropower projects.

In S.D. Warren Co. v. Board of Environmental Protection, the Court will answer the question of whether water flowing through a dam constitutes a "discharge" under the Act. Oral arguments for the case were heard on Feb. 21, 2006. At the time of this printing, the Court had yet to render a decision.

*(A copy of the amicus brief is available at [www.hydro.org](http://www.hydro.org))*

### U.S. Court of Appeals

In March 2005, the U.S. Court of Appeals for the Ninth Circuit ruled a tribe could not rely on off-reservation treaty fishing and hunting rights to recover money damages from a hydroelectric licensee for the effects of construction and operation of a hydropower project. NHA actively participated in Skokomish Indian Tribe v. U.S. by submitting an amicus brief on behalf of industry.

## WITH FEDERAL AGENCIES

### Licensing Process

NHA continued its work on licensing issues. During the past year, as the ILP "pioneers" collected data and made observations about their experiences, the Association provided comments and recommendations to FERC to ensure a smooth implementation of the new licensing process.

### Workshop on Licensing Small and Hydrokinetic Projects

Small and hydrokinetic projects face unique challenges. Even with the new ILP, the financial and process costs for developing these projects are quite challenging. Because of this, NHA and the Hydropower Reform Coalition last spring sponsored a brainstorming session to discuss how to make the process easier, more efficient, and financially viable; while at the same time, continuing to uphold environmental protection. More

than 40 individuals—representing the hydropower industry, federal and state regulatory agencies, and the NGO community—attended the meeting. The Association will continue to build on the meeting’s work in the upcoming year.

### ***Safety and Security***

In 2005, NHA joined the Dam Sector Coordinating Council (DSCC) and played an active role in the group throughout the year. The DSCC, a member organization made up of hydropower industry representatives, provides the federal government, through the Department of Homeland Security, information and assistance on dam infrastructure protection and security. NHA, in consultation with HPC members and DSCC, provided comments to the DHS on its National Infrastructure Protection Plan.

NHA also worked with FERC on critical energy infrastructure information (CEII). The Association filed comments stating the Commission should retain its standards and encouraged other agencies to meet the same high marks. CEII—drawings, schematics, and maps of hydropower projects—before Sept. 11, 2001 were easily available to the public. However, because of the events on that day, FERC began the process of revising its regulations regarding access to this information.



*Members of the HPC examine an American Electric Power project during the Committee’s Fall meeting.*

### ***The American Eel***

NHA formed a working group to discuss the scientific evidence, legal implications, and the industry’s position and response to the possible listing of the American eel under the Endangered Species Act. During 2005, the group filed several comments:

NHA encouraged the Atlantic States Marine Fisheries Commission (ASMFC) to facilitate and develop more data on eel populations before making any changes to its Interstate Fisheries Management Plan for the American eel.

NHA filed comments with the Fish and Wildlife Service (FWS) on its notice initiating a 12-month review to determine if it is appropriate to list the American eel under the Endangered Species Act (ESA). NHA stated that ESA designation was not substantiated at the time by scientific data.

### ***Consistent Performance Standards***

NHA filed informal comments on the American Society of Testing and Materials (ASTM) draft standard for

evaluating the environmental performance of electric generating facilities. The ASTM standard is based on a “life-cycle impact assessment” method and is designed to compare the environmental performance of a generating facility (regardless of the technology type) against a regional performance baseline. The Association believes objective standards will show superior environmental performance at most hydropower projects.

## **EDUCATING AND ADVOCATING**

Throughout 2005, NHA diligently drove policy and promoted the features, benefits, opportunities, and potential of the hydropower resource by sponsoring, attending, and participating in forums and conferences across North America. It also worked with national and local media to help tell the hydropower story.

### **AS A CLEAN AND RENEWABLE ENERGY SOURCE**

#### ***Hydropower’s Role in a Renewable Portfolio Standard***

NHA worked to gain a strong role for hydropower in the Senate version of a renewable portfolio standard (RPS). While this provision did not move past the Senate, this step was important in the recognition of hydropower within an RPS framework.

#### ***International Effort to Promote Hydropower***

Working collaboratively with the International and Canadian Hydropower Associations, NHA, at the first implementation meeting of signers of the Kyoto Protocol, worked to position hydropower as an important resource for countries attempting to meet the requirements of the international agreement to reduce greenhouse gas emissions.

The COP11/MOP1 meeting, which took place in December in Montréal, brought together the international community to discuss the Protocol’s direction. NHA and its international partners advocated for the resource by defending it from misleading reports and co-hosting a networking event where delegates learned firsthand about hydropower’s many benefits.

#### ***EPA’s Definition***

NHA voiced its concern with the Environmental Protection Agency (EPA) regarding its narrow definition of acceptable hydropower for its Green Power Partnership program. The program, which provides assistance and recognition to organizations that choose green power, distinguishes low impact (or small) hydropower as the only hydropower that is renewable, and thus the only hydropower eligible for the program.

The Association told the EPA that its designation was an “arbitrary description” because “hydropower by definition is a renewable resource because it is produced from elemental, natural, and recurrent resources... Like wind, solar, and geothermal, hydropower’s “fuel” is essentially infinite and is not depleted during the production of electricity.”



### ***Working Coast to Coast to Ensure Hydropower's Recognition in Multi-State Regional Clean Air Strategies***

Working with its Business Council of Sustainable Energy partners, NHA reached out to Northeastern and Mid-Atlantic states involved in the Regional Greenhouse Gas Initiative (RGGI), the multi-state agreement to reduce greenhouse gas emissions. As the states collaborated to reach a consensus on how the program will work, members of the Association met with officials from several states to educate and advocate on behalf of the hydropower resource.

NHA also made sure hydropower was recognized in the Western Governor's Association's (WGA) plans to develop clean, secure, and diversified energy systems for the West. In December, at the WGA's Clean and Diversified Energy Advisory Committee meeting, the Association discussed the potential for incremental hydropower, the development and application of new technologies, and the role hydropower plays in grid security and meeting future power needs.

From its presentation, the Association was invited to submit a white paper to the committee regarding the growth potential of new and traditional hydropower in the west.

## **GROWTH POTENTIAL AND NEW TECHNOLOGIES**

### ***Economic Modelers***

Executive Director Linda Church Ciocci helped educate economic modelers about the opportunities and constraints affecting the growth potential of hydropower as guest speaker at a special Department of Energy conference on economic modeling of hydropower. Because of NHA's work, these economists will have a better understanding of hydropower's features and benefits. Some may even footnote in their reports the policy changes needed to ensure the realization of hydropower's full potential.

### ***New Turbines***

Last fall, in an effort to garner attention to the slashed (then eliminated) hydropower research and development budget at the Department of Energy (DOE), NHA co-sponsored a one-day workshop on new hydropower turbine technology. The conference, which was spearheaded by EPRI and also sponsored by Brookfield Power (then Brascan Power New York), and the Hydro Research Foundation (HRF), took place after a bitter-sweet year for hydropower research and development initiatives. Earlier in the year, Grant County PUD successfully installed an advanced hydropower turbine at its Wanapum Dam. Tests showed a 14 percent

increase in power output, a three percent average increase in water use efficiency over conventional Kaplan turbines, and a 98 percent fish passage survival rate. However, despite the positive results, the Administration still cut DOE's FY 2006 hydropower budget by 90 percent (down from \$5 million to \$500,000) and called for the program's closure at the end of 2006.

At the meeting, hydropower industry leaders, federal and state officials, and members of the NGO community discussed the past, present, and future of the program. They also began looking for alternative ways to fund the research. Albany, New York was selected for the workshop's location because the nearby School Street project in Cohoes, New York is a potential test site for a second advanced hydropower turbine design.

### ***Ocean and Hydrokinetic***

In the fall, NHA joined members of the environmental community, federal resource agency officials, state officials, ocean energy leaders, and representatives from the hydropower industry to discuss cutting edge sources of power; their potential, environmental impact, and research needs.

The workshop, sponsored by the DOE, was produced, in part, to develop a research and development agenda for new technologies such as hydrokinetic, tidal, wave and ocean energy. In addition, the workshop provided a forum to build a working relationship among the various stakeholders associated with these new and growing technologies.

## **THE MEDIA**

### ***Not An Easy Task***

The Association continued its courting of the press. Because the issues impacting the hydropower industry are layered and complicated, media relations for the Association is as much education as it is advocating. NHA worked hard to accomplish both in 2005. With comprehensive energy legislation a priority, NHA disseminated several press releases about the pending bill. When EPAct 2005 passed, and its rules implemented, the Association educated the media about the "actual" wording of the law. The Association was quoted in a nationally syndicated *Associated Press* story. It also spoke with several industry publications about the subject, including *Relicensing Review*, *Water Policy Report*, *National Parks and Recreation*, and *Greenwire*.

Media coverage of the Association was not limited to the Energy Act. *The Christian Science Monitor* used NHA as a major source for a story on the growth of hydropower. Also, a syndicated journalist quoted NHA in a positive story on white water rafting in the Poconos. The article ran in the *USA Today*, *Baltimore Sun*, *Boston Globe* and

other papers around the country. The Association's Outstanding Stewardship of America's Rivers Report and the Hydro Achievement Awards received plenty of ink in local papers including *The Modesto Bee*, *The Stockton Record*, and others.

After a two-year hiatus, NHA returned to the Society of Environmental Journalist Conference. During the meeting, NHA staff met with journalists from around the country, discussing the positive attributes of hydropower and defending the resource against misleading statements.

## PROVIDING VALUE

### OPPORTUNITIES TO LEARN AND GET INVOLVED

#### *2005 Annual Conference*

The Association once again hosted the nation's premier hydropower policy conference. Hydropower 2005: The Sustainable Energy Solution was attended by more than 400 individuals, making it one of the largest annual NHA conferences ever held. Those in attendance heard then-FERC Chairman Pat Wood, III give his last major policy speech. He called hydropower a "backbone" of the U.S. electric infrastructure and stated impediments to its growth must be removed. He also told the standing room only audience that in order for America to meet its growing energy need, hydropower must achieve its full potential.



*Pat Wood III, as chairman of FERC, addresses NHA's annual conference.*

#### **NHA Goes on the Road**

In the fall, NHA launched a new regional meeting program aimed at bringing itself out of the beltway and to its members. From New England to Sacramento, the Association held meetings across the country. Owners and operators of hydropower projects, as well as service and equipment providers, came together and discussed current regulatory and operational issues; collaborated with NHA staff and leadership; and heard about current

topics of interest from local, state, and federal officials. Because the meetings were organized by a host group of member companies, interactive, and regional issue focused, attendees found them relevant to their local needs. Due to the program's success, the Association plans on continuing this effort in 2006 and beyond.

#### **HPC Meets in the Mountains of Virginia**

More than 50 hydropower professionals from across the country converged on the campus of Virginia Tech University in Blacksburg, Va. in October to discuss issues ranging from operations and maintenance to dam safety and security.

The conference included many guest speakers including a representative from FERC's Division of Dam Safety and Inspections, who discussed a variety of issues including recovery plans, transmission line inspections, instrumentation and monitoring programs, and vulnerability assessments. The Association of State Dam Safety Officials, the Electric Power Research Institute, and the United States Society on Dams also sent representatives to address the meeting.

#### **Legal Group Brings Back Lunch Program**

For the first time in several years, the legal affairs group hosted a policy luncheon program. In the fall, more than 20 Association members took advantage of the opportunity to reconnect with colleagues, converse about past legal cases, and discuss the latest issues—everything from the EPAct 2005 certification process for the production tax credit to concerns with settlement agreements. The Association looks forward to having more of these lunches in the coming year.

## KEEPING INFORMED AND KNOWLEDGEABLE

#### *New format for NHA Today*

NHA Today, the Association's internal publication, went through a successful transformation in 2005. With the improvements, the publication is more interactive, reader friendly, and relevant. The value-added upgrade was embraced by the membership, demonstrated by an immediate 20 percent increase in circulation.

#### *New Website on its Way*

The time-consuming process of revamping NHA's website began in the fall of 2005. After completing an extensive communications audit, it was decided the arduous task of a major overhaul was needed. The new site, due for release in April 2006, focuses on educating, advocating, and promoting the hydropower resource by providing a one-stop place for everything hydropower.

[www.hydro.org](http://www.hydro.org)

## ACHIEVEMENTS IN THE HYDROPOWER INDUSTRY

### HENWOOD AWARD

#### *Dan E. Jarvis Receives Distinguished Lifetime Achievement Award*

Dan E. Jarvis, president of High Valley Hydropower Consulting and former manager of AmerenUE's Osage/Bagnell Dam Hydro-Electric Power Plant, was the recipient of the 2005 Dr. Kenneth Henwood Award, the hydropower industry's highest honor. Jarvis spent 33 years helping to improve, grow, and promote the hydropower industry. He has served the hydropower industry in many roles including chairman of the Hydraulic Power Committee, and as a board member for the National Hydropower Association.



*Dan Jarvis being congratulated by the Henwood Committee Chair, John J. Suloway.*

### HYDRO ACHIEVEMENT AWARDS

#### *Creativity, Ingenuity, and a Commitment to Excellence*

Each year, NHA presents Hydro Achievement Awards to companies showing creativity, ingenuity, and a commitment to excellence in three categories—public education, technological solutions, and recreational stewardship. The 2005 winners were:

**Recreational Stewardship**—*Brascan Power for its Trenton Falls scenic trail.*

**Technological Solutions**—*Brascan Power for its Higley hydroelectric development, and Ontario Power Generation for its R.H. Saunders concrete and generating equipment rehabilitation.*

**Public Education**—*Grant County PUD for its "Relicensing the Priest Rapids Project" program.*

### OUTSTANDING STEWARDSHIP OF AMERICA'S RIVERS REPORT

#### *Ten Projects Recognized for their Outstanding Environmental Stewardship*

Ten hydropower projects were recognized in 2005 for their outstanding environmental stewardship efforts as part of the ninth-annual "Outstanding Stewardship of America's Rivers" report.

The report, which is released online at [www.outstandingrivers.org](http://www.outstandingrivers.org), illustrates the creative, collaborative, and technological solutions implemented by hydropower companies to improve water quality, enhance wildlife habitats, restore fisheries, protect endangered species, and permanently conserve land for the protection of wildlife.

#### **THE 2005 OSAR REPORT INCLUDED THE FOLLOWING PROJECTS:**

- PPL Montana's Madison-Missouri River Project
- Seattle City Light's Skagit River Hydroelectric Project
- PacifiCorp's North Umpqua Hydroelectric Project
- Newfoundland and Labrador Hydro's Granite Canal Hydroelectric Development
- Chelan County Public Utility District's Rocky Reach and Rock Island Hydroelectric Projects
- Avista Corporation's Clark Fork Project
- Tacoma Power's Nisqually River Project
- FPL Energy Maine Hydro's Loon Management
- Grant County Public Utility District's Priest Rapids Hydroelectric Project
- Turlock Irrigation District's Tuolumne River Restoration Project

## NHA WELCOMES NEW MEMBERS FOR 2005

### GENERATORS

*Burrows Paper Company*

*Consumers Energy*

*El Dorado Irrigation District*

*Great Lakes America*

*Puget Sound Energy*

*Santee Cooper*

*TransCanada*

*The Four Dam Pool Power Agency*

### SERVICE

*Advanced Hydro Solutions*

*Bahleda Consulting*

*CEA Technologies*

*Full Spectrum Communications*

*Hydro Performance Processes Inc.*

*Tuscarora Construction*

*Vermont Independent Power Producers*

*Zerwell Energy*

## THE FUTURE OF HYDROPOWER



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