

\* Alaska Wilderness League \* American Bird Conservancy \* American Rivers \*  
 \* Arizona Chapter of the Wildlife Society \* Center for Biological Diversity \*  
 \* Earthjustice \* EcoFlight \* Environment America \*  
 \* Environmental Protection Information Center (EPIC) \* Friends of the Inyo \*  
 \* Geos Institute \* Grand Canyon Trust \* Great Old Broads for Wilderness \*  
 \* Hells Canyon Preservation Council \* High Country Conservation Advocates \*  
 \* Klamath Forest Alliance \* Labor Council for Latin American Advancement (LCLAA) \*  
 \* The Lands Council \* Las Cruces Green Chamber of Commerce \*  
 \* Los Padres ForestWatch \* Montana Conservation Voters \* New Mexico Sportsmen \*  
 \* Northcoast Environmental Center \* Quiet Use Coalition \*  
 \* Rocky Mountain Recreation Initiative \* Rocky Mountain Wild \*  
 \* Safe Alternatives for our Forest Environment \* San Juan Citizens Alliance \*  
 \* Sequoia ForestKeeper \* Sheep Mountain Alliance \* Sierra Club \* Sierra Forest Legacy \*  
 \* Soda Mountain Wilderness Council \* Southern Environmental Law Center \*  
 \* Western Environmental Law Center \* Western Watersheds Project \*  
 \* WildEarth Guardians \* Wilderness Workshop \* Umpqua Watersheds, Inc. \*  
 \* Ventana Wilderness Alliance \*

June 8, 2017

Dear Member of Congress:

On behalf of our millions of members and supporters nationwide, we are writing to express our strong opposition to HR 1873, the “*Electricity Reliability and Forest Protection Act*,” sponsored by Congressman Doug LaMalfa. We urge you to vote “no” on this bill when it goes to the floor.

Despite its damaging implications and previous concerns from Department of Interior (DOI),<sup>1</sup> HR 1873 (identical to the text from the 113<sup>th</sup> Congress) was not afforded a hearing within the relevant committees of jurisdiction and, instead, marked-up in House Natural Resources in order to be rushed to the floor.

This bill would:

- **Limit Informed Decision Making and Public Input.** HR 1873 is a yet another attack on the National Environmental Policy Act (NEPA) and its fundamental tenet of informed decision making and public involvement in project approval. Specifically, it amends the Federal Land Policy and Management Act (FLPMA) by adding new provisions regarding vegetation management, facility inspection and operation, and maintenance of electric transmission and distribution facilities on thousands of existing rights-of-way on public lands (ROWs). In doing so, it mandates the Forest Service and the Bureau of Land Management expedite review and approval of and apply their categorical exclusions processes to vegetation management plans of unlimited acreage within or adjacent to these transmission corridors. HR 1873 would thereby provide utility companies and other private holders of existing ROWs wide latitude to develop management plans that

---

<sup>1</sup> See Statement of Karen E. Mouritsen, [https://www.doi.gov/ocl/hearings/114/hr2358\\_052015](https://www.doi.gov/ocl/hearings/114/hr2358_052015) (May 20, 2015).

could potentially have significant environmental consequences that could go unaddressed without an adequate impact analysis or public input.

- **Fail to Address the True Causes of Project Delay.** Enacted by an overwhelmingly bipartisan Congress forty-five years ago, NEPA has the twin goals of allowing the public to participate in the federal government decision-making process and ensuring that the true impacts of federal projects are disclosed. NEPA's guarantees of public input and government transparency are crucial to protecting the American public, taxpayers, and local citizens and communities from short-sighted and uninformed project development. This bill would not address the primary causes for project delays and its supposed remedies would gut crucial public participation, environmental, and public health protections. There is no evidence that the federal environmental review process is a major factor in project delays, and indeed, a number of Congressional Research Service reports have concluded that the primary causes of delay are unrelated to the NEPA process and instead attributable to lack of funding, changes in project design by the project sponsor, and accommodating affected residents and businesses. If Congress wants federal agencies to approve more permits or management plans, then it should appropriate the requisite funds for additional planning staff and strengthen early public participation rather than undermining it.
- **Rush to Mandate Approval of Potentially Risky Projects.** This bill includes a provision that would automatically mandate approval of ROW requests to clear vegetation within or adjacent to an electrical transmission distribution ROW if DOI or BLM fails to respond to these requests within three business days. This rush to not only allow, but *mandate*, approval was also met with strong concern from DOI last Congress, which noted:

“[t]he mandatory approval required under this provision would preclude the BLM's ability to work with utility companies to modify requests when and where appropriate to ensure treatments satisfy BLM resource management responsibilities and address utility needs in a manner that is safe given current conditions. Furthermore, the Department believes the language in the bill should be clarified in several other ways. For example, the term “adjacent” is not adequately defined.”

We share these concerns.

- **Fail to Address the Forest Service's Most Critical Need.** The most important step Congress can take to address the threat of fire is to provide our public land agencies the capacity they need to effectively manage for forest health by fixing fire suppression funding this year. Attempts to use the capacity implications of the fire budget crisis as a means of undermining environmental safeguards and public participation across the National Forest System and BLM lands must be opposed. Instead, passing a comprehensive and clean fire budget fix needs to be the priority.

For all of these reasons, **we strongly urge Members of Congress to vote NO on HR 1873** when it goes to the floor, and we also urge you to vote NO on any amendments that further undermine protections for our public lands, the people's voice, and the integrity of our environmental laws.