



National Association of Conservation Districts

April 11, 2017

Representative Rob Bishop
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Representative Raul Grijalva
Ranking Member
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman and Ranking Member:

On behalf of the nation's 3,000 conservation districts and the 17,000 men and women who serve on their governing boards, the National Association of Conservation Districts (NACD) urges you to bring up and move favorably out of committee, H.R.1373 "Assuring Private Property Rights Over Vast Access to Land Act" so it can be considered by the full House.

In Arkansas, the state's Public Service Commission (PSC) reviewed the Plains and Eastern Clean Line Project. Upon completion of review, the PSC rejected the project. The Department of Energy used Section 1222 of the Energy and Policy Act of 2005 to approve the project without state approval. This was the first time DOE used Section 1222 to authorize the development, construction, or operation of transmission facilities. As you know, the purpose of Section 1222 is "to reduce electric transmission congestion and/or increase electric transmission capacity."

Congressman Steve Womack (AR-3) and the three other members of Arkansas' congressional delegation in the House of Representatives recently introduced the "Assuring Private Property Rights Over Vast Access to Land 'APPROVAL' Act" (H.R. 1373).

The act seeks to return power to the states by requiring explicit authorization by either the "the Governor and the head of each applicable public utility commission or public service commission of the affected State" or "the head of the governing body of each Indian tribe the land of which would be affected" before the federal government can utilize Section 1222 authority to acquire property through eminent domain for transmission projects. Additionally, the act seeks to reduce strains on agriculture and landowners by ensuring, to the maximum extent possible, that future projects are placed on federal land rather than private land.

It is important that the power to decide where transmission lines are located be as close to the impacted landowners as possible. Ensuring decisions are made at the state level where they can be held more accountable to local governments and stakeholders, such as conservation districts, will allow states to make these decisions with the concerns of the communities impacted in mind.



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Thank you for your consideration. NACD looks forward to working with you and the committee in the future.

Sincerely,

Brent Van Dyke
President