

**Center for Biological Diversity * Defenders of Wildlife
Earthjustice * Environmental Protection Information Center
Klamath Forest Alliance * League of Conservation Voters
Natural Resources Defense Council * Sierra Club**

July 28, 2014

Dear Representative:

On behalf of the undersigned organizations and the millions of members we represent, we write to express our strong opposition to Section 2 of H.R. 1363, the Exploring for Geothermal Energy on Federal Lands Act, which will seriously jeopardize meaningful public input and environmental review under the National Environmental Policy Act (NEPA).

As currently drafted, Section 2(b) of the bill exempts proposals for geothermal exploration test projects from NEPA compliance. Specifically, the bill states that Section 102(2)(C) of NEPA, which requires the completion of an Environmental Impact Statement (EIS) when a project will have significant impacts, shall not apply to geothermal exploration test projects. While agencies would still be required to conduct an Environmental Assessment (EA), the proposed exemption risks undermining the fundamental purposes of NEPA: to ensure that all potential impacts of a project are fully known and disclosed and to provide the public and all affected stakeholders an opportunity to provide input on decisions affecting their communities.

Strangely, this bill seeks to exempt projects from further NEPA review only when the agency has concluded a project could significantly impact the environment and health of local communities. Under Section 102(2)(C) of NEPA, agencies are required to prepare an EIS only if a project will significantly affect the quality of the human environment.¹ The primary purpose of an EA is to determine whether a project will indeed result in significant impacts and therefore require the preparation of an EIS. Understood in the context of the entire NEPA process, H.R. 1363 exempts agencies from NEPA analysis precisely when further review and community input is most needed – when the agency analysis in an EA reveals significant risks to communities and the environment.

The National Environmental Policy Act plays a critical role in ensuring that geothermal projects on public lands are sited and carried out in a transparent, collaborative, and responsible manner. By involving the public and state, local, and tribal governments, NEPA ensures that all stakeholders are engaged in decisions affecting the health, economy, and environment of their local communities.

¹ 42 U.S.C. 4332(2)(C)

By preventing fully informed decisionmaking and shielding decisions from public scrutiny, Section 2(b) of H.R. 1363 risks unwise and irresponsible development on public lands. While we appreciate encouraging the development of renewable energies, we believe such development should occur responsibly, transparently, and with meaningful public involvement.

Sincerely,

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