

RAÚL M. GRIJALVA
7TH DISTRICT OF ARIZONA

COMMITTEE ON NATURAL RESOURCES
Subcommittee on Water and Power
Subcommittee on Parks, Forests and
Public Lands – *Ranking Member*

COMMITTEE ON EDUCATION AND THE WORKFORCE
Subcommittee on Early Childhood,
Elementary and Secondary Education
Subcommittee on Higher Education and
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April 12, 2010

The Honorable Eric Holder
Attorney General, United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Eric Holder,

On behalf of the constituents of Arizona's 7th Congressional District, I am writing today to ask you to uphold a recent Ninth Circuit Court of Appeals decision on the Department of Energy's National Interest Electric Transmission Corridor (NIETC) program. The Arizona Corporation Commission, along with many of the other states within the designated NIETCs, were party to this lawsuit. On February 1, 2011, the Ninth Circuit Court of Appeals vacated the 2007 Department of Energy (DOE) designation of two National Interest Electric Transmission Corridors, ruling that the Department of Energy (DOE) violated the 2005 Energy Policy Act by failing to engage in a meaningful consultation process with states and to conduct environmental reviews as required by the National Environmental Policy Act prior to designating corridors.

In 2007, DOE designated two energy corridors over large portions of eight states in the Mid-Atlantic and California and Arizona. Three counties in Arizona—La Paz, Maricopa, and Yuma, including the city of Phoenix—were included in the 2007 designation of the Southwest Corridor. Specifically, the Kofa National Wildlife Refuge in Southwestern Arizona would have been drastically impacted by the designation. My office sent a letter on November 26, 2006, to then-Secretaries of Energy, Interior, and Agriculture requesting a robust consultation process and thorough environmental review of the corridor program.

The Ninth Circuit's decision clarifies that DOE is required to conduct a thorough state consultation and environmental review prior to designating a corridor under section 1221 of the 2005 Energy Policy Act. This decision helps to ensure that federal eminent domain authority for transmission infrastructure can only be used when it is necessary, when it complements state energy policies, and when the environmental impacts of such projects have been thoroughly reviewed. With this in mind, I respectfully request that the Department of Justice not pursue a rehearing of this important and clarifying decision.

Sincerely,

A handwritten signature in blue ink that reads "Raúl M. Grijalva". The signature is fluid and cursive, with a large loop at the end of the name.

Raúl M. Grijalva
Member of Congress