

**EXAMINING THE COUNCIL ON ENVIRON-
MENTAL QUALITY FISCAL YEAR 2024
BUDGET REQUEST AND RELATED POLICY
MATTERS**

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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CONTENTS

Hearing held on Thursday, June 22, 2023	Page 1
Statement of Members:	
Westerman, Hon. Bruce, a Representative in Congress from the State of Arkansas	1
Grijalva, Hon. Raúl M., a Representative in Congress from the State of Arizona	3
Statement of Witnesses:	
Mallory, Hon. Brenda, Chair of the Council on Environmental Quality (CEQ), Washington, DC	5
Prepared statement of	6
Questions submitted for the record	12
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Radewagen	
Samoa News, article titled, “StarKist employees submit petition and comments opposing PIRA expansion”	20
Submissions for the Record by Representative Kamlager-Dove	
Examples of Benefits from the NEPA Process for ARRA Funded Activities, May 2011	26
GAO Report to Congressional Requestors titled, “National Environmental Policy Act, Little Information Exists on NEPA Analyses,” April 2014	37
Submissions for the Record by Representative Leger Fernández	
Center for American Progress, article titled, “The Inflation Reduction Act Is Building a Clean Energy Economy and Good-Paying Jobs” ...	52
American Clean Power—Clean Energy Investing in America, April 2023	54
Submissions for the Record by Representative Grijalva	
Equitable & Just: National Climate Platform—Environmental Justice Scorecard	83
Equitable & Just: National Climate Platform—Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All	84

**OVERSIGHT HEARING ON EXAMINING THE
COUNCIL ON ENVIRONMENTAL QUALITY
FISCAL YEAR 2024 BUDGET REQUEST AND
RELATED POLICY MATTERS**

**Thursday, June 22, 2023
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 10:03 a.m., in room 1324, Longworth House Office Building, Hon. Bruce Westerman [Chairman of the Committee] presiding.

Present: Representatives Westerman, Graves, Radewagen, LaMalfa, Stauber, Tiffany, Bentz, Moylan, Hunt, Collins, Luna, Hageman; Grijalva, Huffman, Porter, Leger Fernández, Stansbury, Peltola, Hoyle, Kamlager-Dove, and Magaziner.

The CHAIRMAN. The Committee will come to order. Without objection, the Chair is authorized to declare a recess of the Committee at any time.

The Committee is meeting today to hear testimony on Examining the Council of Environmental Quality Fiscal Year 2024 Budget Request and Related Policy Matters.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I would therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record, if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I now recognize myself for an opening statement.

STATEMENT OF THE HON. BRUCE A. WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

The CHAIRMAN. Good morning and again, thank you for joining us for this full Committee hearing Examining the Council in Environmental Quality's Budget Request and Policy Issues.

I would especially like to thank Chair Brenda Mallory for being here today to testify on behalf of CEQ. This is the first time we have been able to hear from you in person here on the Committee and I know we all have lots of questions about the work of CEQ and programs your agency has implemented under the Biden administration.

For those of you who may be unfamiliar with CEQ, this is an agency that was originally established as part of the National Environmental Policy Act as part of an effort to remedy some ongoing ecological issues that, quite honestly, would be unrecognizable today.

It is safe to say the world is now vastly different than it was in the early 1970s and our environmental safeguards have grown tenfold, and I would say that the work of the CEQ in the past with administrations has been part of that solution to getting NEPA implemented and getting a much better environment in place in the United States that we experience today.

But, at the same time, this does call into question what is the modern purpose of CEQ? President Biden has transformed the once small staff from their core mission of ensuring NEPA compliance into a legion of people implementing social change and ecojustice initiatives across the Federal Government.

CEQ's own chief of staff has described the responsibilities and powers bestowed upon the agency by President Biden as unprecedented.

In many ways, CEQ has acted as the enforcers for every anti-energy and unscientific ecoagenda that President Biden has prioritized via Executive Order. The explosive growth of CEQ's mission and bureaucratic morass is mirrored in the dramatic rise of their budget.

From 2019 to 2023, CEQ's baseline budget more than doubled. On top of that, CEQ received an additional \$62.5 million from the Inflation Reduction Act to support environmental and climate data collection.

President Biden's proposed budget reports an unexpired and unobligated balance of tens of millions of dollars for each fiscal year. In addition to separate line items for additional CEQ funding.

In short, this Administration is funneling millions of taxpayers' dollars to an agency which at best, as I can tell, primary goal is environmental justice above all, whether or not the communities impacted actually benefit.

Rather than focusing on improving clean air and water in our country by improving the permitting processes and ensuring that NEPA processes are carried out in an efficient and timely manner, CEQ instead spends its time implementing Executive Orders and rulemaking that vastly exceeds its statutory role and prescribed authority.

This is not the first time I have raised these concerns with CEQ or the Biden administration. In February of this year, I invited Chair Mallory to participate in a hearing on the BUILDER Act, which would provide long overdue updates and improvements to NEPA, despite this being the landmark law CEQ was created to implement, the Council's leadership made the decision not to appear, answer questions, or provide accountability for their actions.

Committee Republicans sent a letter in October 2022 asking CEQ to provide a list of the rulemaking and specific congressional authorities for each rule, in light of the Supreme Court decision *West Virginia v. EPA*. Eight months later we have yet to receive a response.

Our members have also heard numerous concerns that CEQ has directed agencies like the U.S. Forest Service to oppose legislation protecting the use of aerial fire retardant, directly contradicting the scientific expertise of land managers.

This repeated silence from CEQ and what they are doing with an unchecked stream of taxpayer dollars is unacceptable. No agency is above accountability and certainly not one which is grossly overstepping its stated purpose.

Chair Mallory, I am sure that you are aware that as a result of this prolonged silence from your organization and as a reminder of the need for congressional oversight, I ask the House Committee on Appropriations to cut funding for the salaries and expenses of CEQ's senior leadership and set funding levels at reasonable amounts.

I genuinely hope that we can have a productive conversation today and get some real answers to the questions we have been asking for months. I believe we share many of the same goals of wanting to protect and conserve our resources wisely, so I look forward to hearing how we can work in bipartisan ways to accomplish this mission.

Given the historic permitting reforms recently signed into law as part of the debt ceiling negotiations, I hope to see many more productive conversations on how to continue improving and modernizing NEPA in the future.

And again, this is a role of Congress that was delegated to us by the people in the Constitution that we have checks and balances over the Administration and this hearing is hopefully one that will be proactive, where we can understand what the purpose, modern day purpose of CEQ is, why the vast increase in funding, how that funding is being spent, and what adjustments, if any, we should make going forward.

Again, I thank you for being here today and I look forward to your testimony and the questioning. And I now recognize Ranking Member Grijalva for his opening statement.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman and thank you for the hearing.

Global ocean surface temperatures for April and May of this year were the highest on record. North Atlantic temperatures are off the charts. Experts are ringing alarm bells and have been doing so for some time.

However, my colleagues on the other side of the aisle are continuing to not listen to the experts. It makes you wonder who they are listening to. Fortunately, Democrats and President Biden have already made historic investments in climate action and our clean energy future through the Inflation Reduction Act and the Bipartisan Infrastructure Act.

Those two bills are predicted to cut carbon pollution by 40 percent by the year 2030. Those investments include \$1 billion investment to cut permitting timelines by increasing Federal permitting offices capacity.

Interestingly enough, every Republican last Congress voted against it despite their constant rallying cry on the need to speed up permitting and permitting reform. That could be because they are more interested in reciting big oil's talking points than actually doing anything to invest in a safer, more sustainable future.

Today's predictable attacks on CEQ are bound to provide many more examples of that. The Council on Environmental Quality is overseeing the development and implementation of environmental policies for more than 50 years.

As we look to a future that requires significant new infrastructure for clean energy and meaningful climate solutions, they have a critical and more important role to play.

CEQ's FY 2024 budget request reflects the seriousness of what is ahead and what it is going to take to continue to follow that charge. Chief among the responsibilities CEQ is currently reviewing is updating NEPA regulations and making sure we are meeting the Administration's ambitious environmental and climate change goals.

CEQ is also working to set up the new Office of Environmental Justice created by President Biden's Environmental Justice for All Executive Order. The Office will coordinate EJ policy and strategy across the Federal Government. This isn't trivial work.

The long history of underinvestment and legacy pollution in these communities requires comprehensive, systemic change. But rather than support that important work, Republicans are continuing to try to kneecap CEQ by pushing an extreme industry-funded agenda that weakens NEPA, guts key agency authorities, limits community input, and restricts and eliminates judicial review.

Not only does this GOP agenda not address our clean energy need, but it also puts our environment and communities even further in harm's way than they already have been for decades, and for what reason? Just so that polluting industry can rack up even more profits more easily and with less restriction.

Don't let them fool you. We do not need to choose between protecting communities and building out our clean energy future. We can and must do both.

I want to thank Chairman Mallory for working in good faith with the Majority to be here today. I look forward to hearing your testimony and I do hope that at this hearing, the Majority will not continue to weaponize the oversight and legislative responsibility of Congress in this Committee.

The crude action on Representative Adam Schiff, the pending impeachment of President Biden, legislating by threat with the debt ceiling hostage taking, the threats of government shutdown, when is a deal not a deal question, and trust becomes a reality in those discussions, conspiracy and boogeyman rabbit hole dives that go on forever cost money and don't impact the real needs of the American people, like climate crisis.

And personalized and unfounded attacks on Representatives of the Biden administration for being here before us and doing their job or with any Committee here in Congress.

Having said that, I look forward to the testimony and I yield back.

The CHAIRMAN. Thank you, Ranking Member Grijalva. I will now introduce our witness. Our witness today is the Honorable Brenda Mallory, Chair of the Council on Environmental Quality.

And let me remind you that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, please press the “on” button on the microphone. We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

I now recognize Chair Mallory for 5 minutes.

STATEMENT OF THE HON. BRENDA MALLORY, CHAIR OF THE COUNCIL ON ENVIRONMENTAL QUALITY (CEQ), WASHINGTON, DC

Ms. MALLORY. Thank you so much. Good morning, everyone. Chairman Westerman, Ranking Member Grijalva, and distinguished members of the Committee, it is an honor to be here with you today.

Thank you for the opportunity to testify in support of President Biden’s 2024 Budget for the Council on Environmental Quality.

In my role as Chair of CEQ, I advise the President on environmental and natural resource policies that improve, preserve, and protect public health and the environment.

Under President Biden, we are fulfilling Congress’ original vision that CEQ would function as an environmental policy council within the White House, focused on the most pressing environmental and climate challenges of our time.

I would like to begin by highlighting three different areas of CEQ’s work. Permitting and environmental reviews, environmental justice, and conservation of our lands and waters.

Across the Administration, we are laser focused on ensuring environmental reviews occur efficiently and serve as effective decision-making tools. President Biden has elevated this issue to the highest levels of government for the first time by forming an Investing in America Cabinet that meets regularly on permitting and other priority issues for infrastructure implementation.

Last year, the President released the Biden-Harris Permitting Action Plan, which sets forth a strategy for ensuring that environmental reviews and permitting processes are effective.

The President has also been working, on a bipartisan basis, to advance the Administration’s permitting principals, some of which are reflected in the Fiscal Responsibility Act.

In particular, we believe the Fiscal Responsibility Act provides important tools to help agencies use categorical exclusions and programmatic environmental reviews to accelerate permitting timelines for projects that do not have significant environmental effects, or where an analysis of effects has already occurred.

It also codifies pre-existing accountability measures, like timelines and page limits. CEQ is working expeditiously to integrate these changes into our regulations.

The Biden-Harris Administration believes that every person should be able to breathe clean air, drink clean water, and live in a healthy community. During his first week in office, President Biden signed Executive Order 14008, which launched the most ambitious environmental justice agenda in our nation’s history.

As part of the Executive Order, we set up the Justice40 Initiative, which seeks to deliver 40 percent of the overall benefits of certain Federal investments to disadvantaged communities.

Justice40 is fundamentally reshaping how the Federal Government ensures communities that were left behind and underinvested in for decades see the benefits.

In April, the President signed Executive Order 14096, revitalizing our nation's commitment to environmental justice for all.

The new Executive Order outlines an ambitious approach to environmental justice that is informed by scientific research, high quality data, and meaningful Federal engagement with communities.

Finally, I would like to turn to conservation. CEQ works to conserve important aquatic, marine, and terrestrial habitats while also supporting healthy communities. In his first weeks in office, President Biden launched the American the Beautiful Initiative to bring together locally led voluntary efforts to conserve and restore lands and waters across the country.

The initiative's key principals include respecting private property rights and working closely with Tribal Nations. Its early focus areas include expanding access to nature, supporting the voluntary conservation efforts of private landowners, and safeguarding wildlife corridors and enhancing habitat connectivity.

Additionally, this Administration has committed to protect historically and scientifically important sites, honor culturally significant areas, and conserve and restore our country's treasured outdoor spaces.

The President has been pleased to sign legislation to help protect and restore our public lands and waters. He has also used the authority given to him by Congress to designate three new national monuments, Camp Hale Continental Divide National Monument in Colorado, Avi Kwa Ame National Monument in Nevada, and Castner Range National Monument in Texas.

These and other community-led designations are helping to tell our nation's conservation story and ensure that America's public lands reflect the full diversity and history of American.

CEQ is hard at work delivering on the President's commitment to environmental justice, conservation, and building a clean energy economy. Thank you for the opportunity to testify today and I look forward to our continued partnership and welcome any questions you have.

[The prepared statement of Ms. Mallory follows:]

PREPARED STATEMENT OF BRENDA MALLORY, CHAIR, COUNCIL ON
ENVIRONMENTAL QUALITY

Introduction

Chairman Westerman, Ranking Member Grijalva, and distinguished Members of the Committee. Thank you for the opportunity to testify today in support of President Biden's 2024 Budget for the Council on Environmental Quality (CEQ).

CEQ was created by the National Environmental Policy Act (NEPA) of 1969. In my role as Chair of CEQ, I advise the President on environmental and natural resources policies that improve, preserve, and protect public health and the environment for America's communities. As the agency responsible for implementing NEPA, CEQ also works to ensure that environmental reviews for infrastructure projects

and Federal actions are effective and efficient, and reflect the input of local communities.

Under President Biden, we are fulfilling Congress’s original vision that CEQ would function as an environmental policy council within the White House, focused on the most pressing environmental challenges of our time. CEQ is leading the government’s efforts on environmental justice, land and water conservation, PFAS and toxic pollution, climate resilience, Federal sustainability, and more. Through strong, coordinated collaboration with our agency partners, CEQ is proud to be helping advance the nation’s priorities on the environment, natural resources, and energy.

President Biden’s Fiscal Year 2024 Budget

For fiscal year (FY) 2024, the President has proposed a budget of \$4.825 million in discretionary appropriations for CEQ, an increase of \$149,000 from the FY 2023 enacted budget. The FY 2024 budget builds on critical investments in the Inflation Reduction Act (IRA) (P.L. 117-169) and supports the following CEQ priorities and goals:

- Combating climate change by transitioning to clean energy and making our communities more resilient;
- Pursuing environmental justice so all communities have clean air, clean water, and a healthy environment in which to live;
- Protecting the nation’s lands, waters, and wildlife; and
- Ensuring that environmental reviews are conducted fairly, effectively, and efficiently.

Investments from the Inflation Reduction Act

The IRA provided CEQ with \$62.5 million for FY 2022–2026. Specifically, it provided \$32.5 million to support environmental and climate data collection efforts and \$30 million to support efficient and effective environmental reviews.

CEQ is using the \$30 million for environmental reviews to bring on talented professionals who can guide the Administration’s permitting initiatives, train professional staff across the Federal Government on NEPA and other environmental review requirements, and facilitate the smooth and efficient implementation of CEQ’s NEPA regulations. We are also exploring opportunities to improve the permitting process using programmatic approaches and digital tools.

Regarding the \$32.5 million for data collection, CEQ is working to improve the quality and availability of data that supports the Federal Government’s efforts to address environmental injustice, pollution, and climate change—and to ensure that decisionmakers put that data to use. In particular, funding will support CEQ’s continued development and improvement of the Climate and Economic Justice Screening Tool (CEJST) and other information products that can help inform Federal decisions and investments. Funding will also enable CEQ—through partnerships with other Federal agencies and nonprofit institutions—to bolster national-level data on the cumulative and disproportionate impacts of climate change, pollution, and other environmental and socioeconomic burdens on disadvantaged communities. We will work to ensure these data are used effectively to reduce burdens and improve outcomes for communities with environmental justice concerns.

National Environmental Policy Act

NEPA is the crucial mechanism through which decisionmakers account for the potential environmental impacts of agency actions, make informed decisions, listen to affected communities, and enable sustainable and healthy economic growth. Done right, NEPA reviews lead to better decisions that generate more value for every taxpayer dollar we invest. Yet, we know that we can and must take steps to improve and modernize our permitting processes and we can do so without losing sight of the important values they serve. I am here today to talk to you about how we are pursuing that critical work.

We at CEQ and across the Administration are laser-focused on ensuring that these reviews occur efficiently and serve as effective decision making tools. I’m pleased to share the improvements we are making to the permitting and environmental review process in light of lessons learned across the Federal Government and the recent amendments to NEPA in the Fiscal Responsibility Act (FRA). CEQ is working expeditiously to integrate these NEPA amendments into our modernization of the NEPA regulations, and will soon propose a rule to help agencies

implement these new efficiencies while encouraging early community engagement and advancing environmental justice.

The Value of Environmental Review

Prior to the bipartisan passage of NEPA, our government made decisions in an uncoordinated, inefficient manner that often wasted Federal resources and failed to take communities' perspectives into account. Not surprisingly, this resulted in damaging and costly environmental and economic outcomes.

One of NEPA's key functions is to prevent the damage and costs that arise from rushed, biased, and incomplete environmental decision making. NEPA requires intergovernmental coordination; objective analysis of alternatives and potential mitigation strategies; appropriate evaluation and consideration of environmental effects; and meaningful public engagement. These are hallmarks of democracy and good governance that result in stronger, smarter, scientifically supported decisions, with benefits for everyone in the United States.

Each year, NEPA helps inform approximately 100,000 Federal agency actions and decisions. More than 95 percent of these actions are approved under the most expedited form of environmental review, called a Categorical Exclusion, or CEs. Of the remaining 5 percent, nearly all are reviewed and approved using environmental assessments, or EAs. Only around 200 projects each year across the Federal Government—around two-tenths of 1 percent—require the most comprehensive type of environmental analysis: the environmental impact statement, or EIS and these are done on the projects that have the greatest potential impact on people and the environment. To inform good project design and decision making, it is critically important that all of these reviews be done right. It is also essential that these reviews be conducted efficiently, to avoid unnecessary and costly delays.

Permitting delays can come at a steep cost to communities, the economy, and the environment. CEQ and the Administration are already taking major steps to address this challenge and reform the permitting process to secure faster and better decisions that benefit the American people. And CEQ's forthcoming rulemaking will enable us to do even more.

The Administration's Efforts to Date

The Bipartisan Infrastructure Law (P.L. 117-58) and the IRA provide more than one billion dollars to make sure that agencies have the environmental review and permitting experts they need, because insufficient personnel and resources is a serious cause of delay. Additionally, President Biden has elevated this issue to the highest levels of government for the first time by forming an Investing in America Cabinet that meets regularly on permitting and other priority issues for infrastructure implementation.

Last year the President released the Biden-Harris Permitting Action Plan, which sets forth a strategy for ensuring that Federal environmental reviews and permitting processes are effective, efficient, and transparent; guided by the best available science to promote positive environmental and community outcomes; and shaped by early and meaningful public engagement—without unnecessary delay. Following the Permitting Action Plan, we are developing strategies to maximize efficiency in key sectors, including offshore wind, broadband, and transmission.

The President has also been working on a bipartisan basis to advance the Administration's permitting principles that were released in May, some of which are reflected in the NEPA amendments in the Fiscal Responsibility Act (FRA). In particular, we believe the FRA provides important new tools to help agencies use CEs and programmatic environmental reviews to streamline permitting timelines for projects that do not have significant environmental effects or where an analysis of effects has already occurred. CEQ is also convening an Interagency Working Group on CEs to promote their effective use across the government.

CEQ has also published guidance for Federal agencies on appropriate ways to consider greenhouse gas emissions and climate change in environmental reviews. CEQ's interim NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change promotes consistency and predictability across Federal agencies in this important area.

Looking Forward on Environmental Reviews

Over the next several months and the upcoming year, CEQ will continue to advance efforts to improve Federal agency decision making and the environmental review and permitting process, so that we deliver on NEPA's goal to harmonize economic growth and environmental sustainability. CEQ's forthcoming draft rule will propose reforms and updates to the regulations implementing NEPA to ensure full and fair public involvement in the NEPA process and promote better decision making consistent with NEPA's statutory requirements, including the recently

enacted amendments. We are planning a robust public engagement process to ensure that the regulations will achieve better outcomes for our communities and our environment.

In addition to using IRA funding to improve environmental reviews, we also look forward to carrying out the E-NEPA permitting portal study required under the FRA. CEQ will also continue to work with our partners at the Office of Management and Budget and the Federal Permitting Improvement Steering Council to continue to implement the Permitting Action Plan by identifying additional agency-specific and sector-specific strategies for accelerating project delivery.

Environmental Justice

For far too long, communities across our country have faced persistent environmental injustices through toxic pollution, underinvestment in infrastructure and critical services, and other disproportionate environmental harms thrust upon low wealth and low power communities and often associated with a legacy of racial discrimination, including redlining. These communities with environmental justice concerns face even greater burdens due to climate change. For the first time in our nation's history, the President has made it a goal to recognize and undo the intersectional burdens from environmental injustice, the climate crisis, and underinvestment in disadvantaged communities.

Like President Biden and Vice President Harris, I believe that every person should be able to breathe clean air, drink clean water, and live in a healthy community. During his first week in office, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, which launched the most ambitious environmental justice agenda in our nation's history and established several of the President's environmental justice initiatives, including the Justice40 Initiative, the Climate and Economic Justice Screening Tool (CEJST), and the Environmental Justice Scorecard. CEQ is committed to continuing to deliver on the President's environmental justice vision. We are working with Federal agencies to create more equitable policies, ensure government funds are reaching the communities that need them most, and broaden our policy perspective by creating space for the voices of impacted communities.

Justice40 Initiative

The Justice40 Initiative is a national commitment to secure environmental justice and confront decades of underinvestment in communities that are marginalized, underserved, and overburdened by pollution.

The Justice40 Initiative seeks to deliver 40 percent of the overall benefits of certain Federal investments to disadvantaged communities. Since President Biden created the Initiative in January 2021, it now has the participation of nearly 470 programs across 19 Federal agencies. These agencies are actively reimaging and transforming their programs to meet the Justice40 goal—for example, by prioritizing applicants that serve disadvantaged communities, and by engaging with stakeholders and the public to ensure that the benefits and outcomes of programs meet disadvantaged communities' needs. The Justice40 Initiative is fundamentally reshaping how the Federal Government ensures communities that were left behind and underinvested in for decades are seeing the benefits of our historic investments in clean energy, clean water, public transportation, affordable and sustainable housing, and more.

Communities have been involved in shaping the Justice40 Initiative from the beginning of this Administration, making clear that delivering Federal climate, clean energy, clean transit, clean water and wastewater infrastructure, and other investments would help advance environmental justice and address decades of underinvestment. Through the Justice40 Initiative, we are already seeing meaningful change on the ground in communities all across the nation.

Data Collection and Transparency

In order to inform equitable decision making across the Federal Government, the Administration is creating new tools that will not only promote the latest science and research, but also elevate transparency and accountability. Two of these tools are the CEJST and the Environmental Justice Scorecard.

The CEJST is a geospatial mapping tool for Federal agencies to identify disadvantaged communities that are marginalized and overburdened by pollution and underinvestment for purposes of the Justice40 Initiative, and other programs that are required by law to benefit disadvantaged communities. The Environmental Justice Scorecard is the first-ever government-wide assessment of what the Federal Government is doing to advance environmental justice. The Phase One Scorecard, released in April 2023, provides a valuable snapshot of the Administration's key

environmental justice work to ensure that all communities experience the protection of our nation's bedrock environmental laws.

Executive Order 14096: Revitalizing our Nation's Commitment to Environmental Justice

In April, the President signed Executive Order 14096, Revitalizing our Nation's Commitment to Environmental Justice for All. This action is a testament to the work of community members and leaders from across the country who have devoted their lives to moving environmental justice to the heart of national policy. It also honors and builds on the foundation of environmental justice work undertaken by the Federal Government.

The new Executive Order outlines an ambitious approach to environmental justice that is informed by scientific research, high-quality data, and meaningful Federal engagement with communities, as well as through consultation with and respect for Tribal sovereignty, self-governance, cultural practices, and Indigenous Knowledge. It establishes the first White House Office of Environmental Justice within CEQ to coordinate the implementation of environmental justice policy across the Federal Government.

The Executive Order makes clear that the pursuit of environmental justice is a responsibility of all executive agencies, and directs agencies to make achieving environmental justice a part of their missions, consistent with their relevant statutory authorities. It requires Federal agencies to develop, implement, and periodically update environmental justice strategic plans with their visions, goals, priority actions, and key metrics. And it requires agencies to develop and publish regular assessments of their progress on environmental justice. The Executive Order also requires Federal agencies to notify affected communities in the event of a release of toxic substances from a Federal facility.

Never before has the Federal Government committed to and delivered such an ambitious, structured, and intentional approach to improve the health and well-being of communities across the country. While visiting communities across the nation, I have seen the impacts of this work firsthand. The Administration's historic investments in water infrastructure, clean energy, legacy pollution cleanup, and more will lead to cleaner air and better health in communities that need it most. CEQ will continue to work to improve coordination across the Federal Government on a whole-of-government approach to advancing environmental justice.

Conservation of Land and Water

CEQ works to conserve important aquatic, marine, and terrestrial habitats, while also supporting healthy communities, consistent with the land conservation and water quality initiatives of this Administration. In his first weeks in office, President Biden announced the first national conservation goal: to conserve at least 30 percent of U.S. lands and waters by 2030. The President launched the America the Beautiful Initiative to bring together locally led, voluntary efforts to conserve and restore lands and waters across the country. The Initiative's key principles include respecting private property rights and working closely with Tribal Nations, and its early focus areas include expanding access to nature; supporting private lands conservation; and enhancing natural corridors and connectivity.

America the Beautiful Challenge

With once-in-a-generation investments from the Bipartisan Infrastructure Law and the Inflation Reduction Act, this Administration has worked to expand voluntary land conservation efforts through several coordinated funding initiatives. The Administration's America the Beautiful Challenge is a one-stop shop for States, Tribes, and other collaborators to access conservation and restoration funding using a simplified application process administered by the National Fish and Wildlife Foundation.

In the first year alone, the program received over \$1 billion in applications for projects in all 50 States, 3 territories, and the District of Columbia. The program awarded 55 grants, totaling \$91 million, and leveraged an additional \$50 million in matching funds for a total conservation investment of \$141 million. Over one-third of the grants went to Tribal partners, which was a historic first for the National Fish and Wildlife Foundation.

Overall, Congress provided over \$10 billion in the Bipartisan Infrastructure Law and the Inflation Reduction Act for these restoration and resilience investments. Key investments have included \$161 million that the Bureau of Land Management recently awarded to projects to restore 21 priority landscapes across 11 western States and \$1.2 billion that the Forest Service invested in restoration projects in 2022. Finally, the U.S. Department of Agriculture's Natural Resources Conservation

Service is leveraging Inflation Reduction Act investments to partner with farmers, ranchers, and private landowners to support resilience, conservation and climate-smart agriculture. These activities provide significant co-benefits for water quality, wildlife habitat, and other conservation outcomes.

Water Conservation

In an era of increasing water extremes—too much, not enough, wrong place, wrong time, or too polluted—CEQ’s work to address the nation’s water challenges is multifaceted. We have convened interagency conversations that advance key environmental and economic objectives. For example, in the Puget Sound, endangered salmon and Southern Resident Orcas require strong conservation measures, but the development and maintenance of infrastructure, including piers, is fundamental to the economy of the region. CEQ helped broker a joint resolution memorandum between Army Civil Works and the National Oceanic and Atmospheric Administration that clarifies how these agencies will work together to make efficient permit decisions while also addressing the protection of endangered species.

Likewise, in the Yazoo Backwater Area in Mississippi, we convened the Army Corps of Engineers, the Environmental Protection Agency, and the Fish and Wildlife Service to think innovatively about how to address flood risks while avoiding irreparable harm to wildlife and the environment.

We are continuing to advance the President’s directive to consider the designation of a national marine sanctuary in the Pacific Remote Islands area. The proposed sanctuary would be among the largest marine protected areas on the planet, and would honor the traditional practices and ancestral pathways of Pacific Island voyagers. With input from Tribal partners, this Administration has also begun the designation process for multiple new national marine sanctuaries, including the Hudson Canyon in the Atlantic Ocean and the Chumash Heritage National Marine Sanctuary off the coast of Southern California.

CEQ also collaborates closely with the Ocean Policy Committee, which I co-chair with the Director of the Office of Science and Technology Policy (OSTP). CEQ helped the Ocean Policy Committee author and launch the first-ever United States Ocean Climate Action Plan; and CEQ and OSTP are now working with members of the Ocean Policy Committee to develop an Ocean Justice Strategy and a National Strategy for a Sustainable Ocean Economy. The ocean spans 70 percent of the globe, from shallow bays to the depths and areas beyond any nation’s jurisdiction. And although climate change is having numerous unprecedented impacts on the ocean, the ocean also has the potential to advance a powerful set of solutions to address the climate crisis.

Land Conservation

This Administration has committed to protect historically and scientifically important sites, honor culturally significant areas, support and enhance our working lands, and conserve and restore our country’s treasured outdoor spaces. Congress has both led on and supported these efforts by passing conservation bills, including the Amache National Historic Site Act and the Blackwell School National Historic Site Act.

The President has built upon these conservation efforts by designating three new national monuments: the Camp Hale-Continental Divide National Monument in Colorado, which protects the site of a World War II-era military training range; the Avi Kwa Ame, or Spirit Mountain, National Monument in Nevada, which is the center of the creation story for numerous Tribal Nations in the southwest; and the Castner Range National Monument, on the site of a former Army depot right outside of El Paso, Texas that now provides a refugia to numerous plants and animals and will provide critical outdoor access in the future for the surrounding community. These and other community-led designations are helping to tell our nation’s conservation story and ensure that America’s public lands reflect the full diversity and history of America.

We know that nature’s most important benefits are often immeasurable, and America’s outdoor spaces are more than just travel destinations. They bring nature into the communities where people live, serving as refuges to take in fresh air, escape urban heat, and unwind in a safe space. Those benefits should not only be available to the fortunate few, but to everyone. Yet so many Americans, especially in low-income communities and communities of color, are without meaningful access to nature. That’s why we will continue to build on the President’s record of delivering the most ambitious land and water conservation agenda in American history.

Conclusion

CEQ is hard at work delivering on the President's commitment to environmental justice, conservation, and to building a clean-energy economy that will combat climate change and make our communities more resilient. The investments that Congress made through the Bipartisan Infrastructure Law and the Inflation Reduction Act will deliver the benefits of a cleaner environment to all Americans for generations to come. Thank you for the opportunity to testify today. I look forward to our continued partnership and welcome any questions you may have.

QUESTIONS SUBMITTED FOR THE RECORD TO BRENDA MALLORY, CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY

Ms. Mallory did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. CEQ is responsible for overseeing the NEPA process across the government in all of the various agencies. Bipartisan NEPA Reforms were recently signed into law as part of the Fiscal Responsibility Act (FRA), Public Law 118-5. As you know, these changes were effective immediately and all agencies must implement the new provisions immediately.

1a) What has CEQ done to ensure U.S. government agencies are immediately implementing the reforms to NEPA and permitting?

1b) Has CEQ, or have you in your role as Chair, issued a guidance and/or a memo to U.S. government agencies on how to comply with the new requirements in the FRA?

[If no]: Why not? And will you commit to issuing a guidance and/or a memo as soon as possible to U.S. government agencies on how ensure they are complying with the law?

1c) How do you plan to work with the agencies to ensure that they abide by the page limits and timelines for NEPA documents established in the FRA?

Question 2. How is CEQ working with the Permitting Council to speed-up the approval process for much needed infrastructure projects?

Question 3. What is your timeline for a Phase 2 rulemaking for NEPA?

Question 4. The NEPA language in the FRA allows agencies to adopt other agencies categorical exclusions.

4a) What is CEQ doing to facilitate the sharing of CEs between agencies?

4b) Have you put any guidance or anything else out yet encouraging agencies to identify CEs from other agencies that would be helpful to them?

Question 5. From 2017 to 2020, CEQ undertook a comprehensive process to support and the build the record for its 2020 NEPA rulemaking. In 2017 and 2018, CEQ issued reports on the timelines and page counts of Environmental Impact Statements. In June 2018, CEQ issued an Advance Notice of Proposed Rulemaking that requested comment on potential revisions to update and clarify the NEPA regulations and included a list of questions on specific aspects of the regulations. In response, it received over 12,500 comments from a wide range of stakeholders. In January 2020, CEQ issued the proposed rule, held two public hearings, and conducted additional outreach.

5a) What steps has CEQ taken to support its Phase 2 rulemaking?

5b) In particular, can you provide the Committee with the list of stakeholders that CEQ has met with on the Phase 2 rulemaking?

5c) Will you commit to updating the environmental impact statement timeline and page count reports?

Question 6. When do you plan on amending CEQ's interim NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change to align it with the NEPA amendments made in the FRA?

Question 7. According to the National Association of Environmental Professionals, the number of final environmental impact statements, or EISs, issued in 2021 was the lowest for the period of 1997 to 2021. Only 80 final or final supplemental EISs were issued. On average, 196 EISs were issued annually between 1997 and 2021. That represents a decline of 245 percent.

7a) How do you account for this decline?

7b) Can you provide the Committee with updated figures for 2022, along with a commitment to work, government-wide, to increase this figure back to pre-2021 numbers this calendar year?

Question 8. What was CEQ's role in the recent proposed rule from BLM that attempts to rewrite the Federal Land Policy and Management Act and change BLM's multiple-use mandate?

8a) How did CEQ direct BLM to prioritize stakeholder engagement and input from folks on-the-ground in affected states?

8b) How is CEQ balancing effective stakeholder engagement with the need for timely reviews?

Question 9. Under your leadership, how much money has CEQ issued in grants?

9a) How are you determining what projects to focus on?

Question 10. How many full-time staffers does CEQ currently have? And how many detailees?

Question 11. CEQ is charged with leading the Federal Clean Electricity and Vehicle Procurement Strategy and CEQ has an important role developing and implementing President Biden's push to build out the electric vehicle infrastructure across America. In February, the Biden administration issued a rule that companies seeking EV charging grants "must" have a Combined Charging System rather than the North American Charging standard. This is despite the fact that the North American Charging Standard—which is generally viewed by industry experts as technologically superior in charging speed, ergonomics, and reliability—is used by Tesla and, starting in 2025, Ford and General Motors. Tesla accounted for 60% of electronic vehicle sales in the U.S. in the first quarter of this year and, together with Ford, and General Motors, the three companies accounted for 75% of all EV sales in the U.S. in the first quarter of this year.

11a) Can you explain why the Biden administration put its thumb on the scale and required companies seeking access to \$7.5 billion in federal infrastructure funding for EV charging stations to use the Combined Charging System standard instead of the North American Charging standard?

11b) Why do you think the federal government should play a role picking winners and losers and, even then, why should the federal government choose the inferior technology used by the small fraction of the EV industry?

Question 12. Please send us a list of any nonprofits, nongovernmental agencies, and any individuals affiliated with any nonprofits or nongovernmental agencies that you have consulted with on CEQ's work during your time as CEQ Chair. For any entities or individuals listed, please describe the nature of the coordination and communications.

Question 13. Earlier this month, CEQ announced the creation of an "Ocean Justice Strategy" that will be developed by the Ocean Policy Committee. The first tasks for the Ocean Policy Committee include defining "Ocean Justice" and answering the question "what is Ocean Justice?" and, simultaneously, receiving input on "barriers to ocean justice."

13a) How is the Biden administration simultaneously asking for comments on "barriers to ocean justice" without first defining what the term "ocean justice" means?

13b) Wouldn't it be common sense to define "ocean justice" first before asking what barriers there are to "realizing" it?

Question 14. How will the Ocean Justice Strategy ensure that economic development and job creation in coastal communities are not hindered by burdensome regulations or restrictions imposed by the Federal Government?

Question 15. What safeguards will be put in place to prevent the Ocean Justice Strategy from impeding the exploration and responsible extraction of natural resources from the ocean and coasts which are essential for maintaining energy

independence and supporting critical industries, including tourism through beach restoration?

Question 16. What specific measures will be taken to balance need for economic growth and energy security in the coastal regions?

Question 17. Considering that the Ocean Justice Strategy purportedly aims to advance equity and justice for communities near the ocean, how will it ensure that the burden of funding and implementing the strategy is not disproportionately placed on taxpayers, particularly those who do not directly benefit from these initiatives?

Question 18. How will CEQ ensure that U.S. territories in the Pacific, like Guam, have a prominent role in developing the Biden administration's ocean strategy?

Question 19. Please confirm in writing all WHEJAC meetings, including private sessions. Provide minutes for meetings, including information for all attendees, location of meetings, dates, and topics discussed.

19a) It is the Committee's understanding that an open solicitation for WHEJAC council members, including those from industry, occurred. Please provide documentation that includes the process by which council members were selected, notified, and any remaining open positions on the council.

19b) Please provide documentation explaining the bylaws of the WHEJAC, if any.

19c) Please provide documentation explaining the process by which agendas for upcoming WHEJAC meetings are developed.

Questions Submitted by Representative Grijalva

Question 1. The biomass wood pellet industry has ambitious plans to expand throughout the American South. As you may know, a number of civil rights, anti-poverty, conservation, and faith-based organizations are concerned about the Environmental Justice implications of this industry's growth. How is CEQ ensuring that these Environmental Justice issues are addressed across Federal agencies such as EPA, USDA, and DOJ?

Question 2. How is CEQ working with Federal agencies to address the Environmental Justice impacts of industrial wood pellet facilities, which are frequently located in low-income, majority Black communities with populations at high risk of health problems such as asthma?

Question 3. One of the changes made in the Fiscal Responsibility Act relate to project sponsors preparing their own environmental reviews. How will CEQ guide and/or oversee federal agency approval and oversight of the environmental review preparation by project sponsors?

Question 4. Does CEQ have an accounting or current estimate of the amount of covered Justice40 investments¹ made to date and how these investments are being tracked?

Question 5. Will there be a tool to centralize information on Justice40 covered programs and funding opportunities to make it easier for communities with environmental justice concerns to access Justice40 investments?

Question 6. With respect to the definition of "disadvantaged community" under the Justice40 Initiative, how are recommended changes relating to the U.S. Territories and Tribal sovereignty considerations being addressed?

Question 7. Recently, USDA revised the scoring criteria for the Rural Energy for America Program, which provides grants and loans for clean energy and energy efficiency projects on farms and ranches to prioritize projects in disadvantaged or distressed communities as part of the Justice40 Initiative. However, some of these projects—like wood biomass and factory farm gas—are harmful to neighboring communities and will actually exacerbate environmental injustice. How will CEQ work to ensure that the Justice40 Initiative does not incentivize and support projects that exacerbate environmental injustice in disadvantaged or distressed communities?

Question 8. I applaud the administration's commitment to achieving net-zero emissions procurement by 2050 as outlined in the Federal Sustainability Plan.² What

¹ Covered Federal investments including any grant or procurement spending, financing, staffing costs, or direct spending or benefits to individuals for a covered program in a Justice40 category, as described at <https://www.whitehouse.gov/environmentaljustice/justice40/>

² <https://www.sustainability.gov/federalsustainabilityplan/procurement.html>

is your timeline for establishing an estimate of baseline emissions from federal procurement and what progress has been made toward establishing 2030 interim targets for procurement emissions reductions?

Questions Submitted by Representative Radewagen

Question 1. As you are aware, there are statutory limitations on the designation of new sanctuaries. As Chair, have you affirmed that legal obligations have been met?

Question 2. Earlier this month, CEQ published an RFI for an Ocean Justice Strategy in the Federal Register, with little actual fanfare or public notice. Among other items, this RFI requests that stakeholders include information on the definitions of ocean justice, and the definition of ocean justice in the context of their communities and work. Rather than creating additional strategies and working groups, with new buzz words like ocean justice, can I ask why CEQ would rather not focus on streamlining NEPA, its core mission, which would provide the opportunity for millions of jobs across our country?

Questions Submitted by Representative Fulcher

Question 1. CEQ has directed stakeholders with an interest in the operations of the federal facilities throughout the Columbia River system to submit comments via the email address salmon@ceq.eop.gov. However, CEQ has not advised Members of Congress or members of the public as to what the purpose or intent of this inbox is.

1a) Will the comments submitted through this inbox be made available to relevant Committees in the Senate and House? If so, when? If not, why not?

1b) What is CEQ's process for the review and evaluation of emails in conjunction with the salmon@ceq.eop.gov email account as CEQ complies with any previous or future Freedom of Information Act requests?

1c) CEQ recently issued a request for information (RFI) to solicit feedback on Columbia River salmon and other native fish restoration and other relevant information to an ongoing mediation (see Docket number CEQ-2023-0002). In the recent RFI, CEQ referenced the inbox as a "means for interested persons to share their thoughts on issues related to the mediation." What is CEQ's role in the mediation, and how does it intend to use these comments?

1d) What is CEQ's process for incorporating replies to this RFI that may be errantly or inadvertently submitted to the salmon@ceq.eop.gov email account?

Question 2. During this Administration, CEQ made multiple references to a "convening effort" related to the Columbia River System to examine multiple issues, including the federal facilities throughout the system, salmon conservation efforts in the region, and the ongoing litigation. Despite acknowledging that only Congress possesses the authority to authorize the removal of any "federally authorized facility", which you also confirmed with Mr. Bentz of Oregon during the hearing, amidst this convening effort, CEQ indicated a preference for a solution that would result in the removal of four federally authorized facilities along the lower Snake River (i.e., four U.S. Army Corps of Engineer dams).

2a) How many CEQ staff, including detailees, are working in working in whole or in part on issues relating to the Columbia River System or salmon conservation efforts? For detailees working on issues relating to the Columbia River System or salmon conservation efforts, what is their home agency or place of employment?

2b) As part of this convening effort, does CEQ continue to recognize that the Executive Branch of government does not have the authority to direct the removal of a "federally authorized facility"?

Question 3. CEQ has been making references to salmon conservation efforts in the Columbia River basin using the terms "healthy and harvestable" and "healthy and abundant" while the various agencies' directive is to operate Federal facilities under authorized uses while managing species for no jeopardy under the Endangered Species Act (ESA).

3a) How is CEQ defining either "healthy and harvestable" or "healthy and abundant?"

3b) Is CEQ advising the agencies to manage the species in excess of what is required pursuant to the ESA?

Question 4. On another issue, during a hearing two weeks ago on a bill to withdraw the BLM's "Conservation and Landscape Health Rule," Deputy Director Nada Culver testified before the Committee on Natural Resources that CEQ was involved in the decision to certify this Rule as not having an economically significant impact.

According to a letter we've received from the Small Business Administration Office of Advocacy they state, "[I]f an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, they must include a factual basis for such certification. BLM's certification provides no such factual basis and offers no information as to how they arrived at this conclusion."

4a) Can you please explain how CEQ came to the determination that this Rule, which will have a significant effect on small businesses and rural communities in my state, somehow did not have a significant economic impact?

4b) During that same hearing, Deputy Director Culver testified that the BLM did not consult any small businesses in their economic assessment of this Rule. Did CEQ consult with any small businesses on the economic analysis of this Rule that you certified?

Questions Submitted by Representative Collins

Under a recently proposed rule, Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk (the FAR-GHG Rule), which your office was heavily involved in drafting, all major federal contractors would have to disclose their greenhouse gas emissions and set emission reduction targets that must be validated and approved by an international non-governmental organization known as the Science Based Target Initiative or SBTi. In effect, outsourcing government responsibilities to an outside foreign entity. SBTi has received criticism by some who argue there is an inherent conflict of interest in both setting emissions standards while also charging customers a fee to validate their emissions reduction targets.

Question 1. Are you aware that a report determined that several of SBTi's emission assessments were "contentious or inaccurate"?

Question 2. Are you also aware that one of SBTi's founders, who has since left the organization, has accused SBTi of having several conflicts of interest and of "putting their own interest above the interests of the public"?

Question 3. Did CEQ vet any of these allegations to determine if SBTi was the best fit for vetting companies' emission targets?

Question 4. Why didn't CEQ select a government agency to set emissions standards and vet companies?

Question 5. Why did CEQ decide to select SBTi as the sole source provider of emission reduction targets?

Question 6. Was a competitive process used in selecting SBTi as the sole source provider of emission target validation? What other agencies or non-profits were considered?

Question 7. If the FAR-GHG Rule is adopted, who will conduct oversight of SBTi to ensure they are producing accurate scientific estimates?

Question 8. If the FAR-GHG Rule is adopted, who will conduct oversight of SBTi to ensure that they do not allow donations from private actors to influence their decision making?

Question 9. Since SBTi is not U.S. based, how will you ensure that they are not acting on behalf of a foreign power to negatively affect the U.S.?

Question 10. Why didn't CEQ select a U.S. based non-profit to vet the emissions standards set by contractors?

The CHAIRMAN. Thank you for your testimony. I will now move on to questions, and I will recognize Representative Stauber to begin the questioning.

Mr. STAUBER. Thank you very much, Mr. Chair and thanks for convening this hearing.

NEPA was created over half a century ago and we should celebrate the incredible progress we have made. Today, the United States is the gold standard of environmental protection. Today, Americans breathe the cleanest air on record and have access to some of the cleanest drinking water on record.

Frankly, however, much of the progress this country has made is not because of laws and regulations like NEPA but in spite of it. Over several administrations, both Republican and Democrat, NEPA has grown out of control.

What was once a well-intentioned policy to improve our environment has now become a burdensome maze of bureaucracy that is holding our country back and global environmental progress back.

Countless regulations and red tape under NEPA make permitting new projects virtually impossible. As a result, we are forcing our energy production, mineral extraction, and manufacturing sectors overseas to countries with minimal, if any, environmental or labor standards.

In doing so, we are also shipping away jobs and the economic benefits that these activities could bring. That is why I was proud to support the permitting reforms that were put forth in the Fiscal Responsibility Act of 2023, of which you alluded to.

This is the first time Congress has made significant changes to NEPA since 1983. While we have a long way to go, these reforms were a good first step in the right direction.

Chair Mallory, in your prepared testimony, you state the following, "One of NEPA's key functions is to prevent the damage and costs that arise from rushed, biased, and incomplete environmental decision making."

A report from the National Association of Environmental Professionals published last year found that the average time to complete the NEPA process is currently 4½ years, that is the average.

Would you not say it is damaging and costly when the NEPA process takes, on average, and let me stress that, on average 4½ years when much needed infrastructure projects are no longer viable because inflation has eaten away at the budget initially invested?

When investments are flowing out of the country and no longer serving Americans, is that not damaging and costly?

Ms. MALLORY. Thank you, Congressman, for that question. I think this Administration believes that it is essential for us to make sure that our permitting process is functioning effectively and efficiently and that we are striking that balance that I referred to in my testimony, of having smart decisions that are done effectively that recognize the importance of environmental protection and engaging the communities, and we have done a number of efforts, over the last 2 years that are focused on that. The Federal—

Mr. STAUBER. Chair Mallory, just because I have a couple of minutes left. I appreciate your answer.

It is clear that the timelines under the current NEPA process are unworkable. It is possible to conduct proper environmental reviews

while still maintaining realistic review timelines for project sponsors.

Luckily, the reforms put forth by Republicans in the Fiscal Responsibility Act will help address these excessive timelines by limiting an environmental assessment to 1 year and an environmental impact statement to 2 years.

I would also like to note that these specific provisions were originally included in Republican legislation that was reported out of this Committee earlier this year. In an interview last week, Under Secretary of State Jose Fernandez shared the Biden administration's Mineral Security Partnership is currently evaluating committing financial resources to 15 different critical mineral mining projects around the world.

These projects are reportedly located across Africa, Europe, Latin America, and Asia. Notably, not one of them is in the United States of America. Indonesia happens to be one of the largest producers of nickel, one of the critical minerals being pursued by the Mineral Security partnerships.

Chair Mallory, does NEPA or any other American environmental standards apply to mining projects in Indonesia or other countries?

Ms. MALLORY. Congressman, no.

Mr. STAUBER. They don't?

Ms. MALLORY. No.

Mr. STAUBER. I would like to note that while the United States has significant reserves of nickel, there is only one operational nickel mine in the United States today. Several other nickel mining projects are attempting to come on-line, including projects in my district in Northern Minnesota, but are being held up by this Administration.

Instead, it seems they like to find these minerals elsewhere in countries with subpar, if any, environmental standards. Anywhere but America, any worker but American, that is the Biden administration's model.

Mr. Chair, I yield back.

The CHAIRMAN. The gentleman yields back. The Chair now recognizes Ranking Member Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, again, Mr. Chairman.

Madame Chair, I think my colleagues on the other side of the aisle have been talking publicly about their plans to continue to use must-pass legislation to attack environmental laws, including NEPA, specifically, and the Clean Water Act, like they did during the debt ceiling hostage taking.

Recently, Speaker McCarthy's staff said that the House Republicans will continue to take more small bites out of NEPA in the future. They have declared that they are going after judicial review, want to impose statute of limitations on lawsuits, and want to make it easier to approve interstate fossil fuel pipelines, and require mandatory energy leasing on all Federal lands.

As part of the environmental justice commitment and the Executive Order of the Biden administration and also dealing with the transition issues around clean energy that are so vital to dealing with climate change, how would these actions affect that and affect frontline communities in particular?

Ms. MALLORY. Thank you, Congressman. I think the important anchor for all the work that we are doing around permitting is making sure that we are making smart decisions and putting the agencies in a position to make smart decisions that are effective, efficient, and include engagement from communities.

I think, as we think about further reforms, and I understand that there are conversations about further reforms, it is important that those reforms not lose sight of that anchor.

So, any changes that don't allow for the type of environmental review that is necessary for the engagement of communities that is contemplated, is one that, I think, we should think very hard about.

Mr. GRIJALVA. [Inaudible] in the history of NEPA, CEQ, and the creation under that law and that has been 15 years and maybe the time has passed for CEQ that we resolved all those environmental issues. That climate crisis is not a crisis, it is just a passing phase.

The role of CEQ. The role of that not only advisory capacity, but now kind of the information, the centralizing of those kinds of policy issues across the government and across the country, its role going forward? 50 years, but going forward. How do you see that role and has the time passed?

Ms. MALLORY. Thank you so much for that question. I think CEQ's role is even more important today than it was 50 years ago, because our problems are more complex. The nature of the challenges that we are facing from climate change, among other things, are grave and require that we are working across the government in a whole-of-government capacity in order to serve those issues.

So, I think CEQ's role, as you look at the statute itself, very clearly was intended to actually be an agency that dealt with the most significant environmental problems. That is what we continue to do and each administration has adjusted that in the ways that they think are important.

For this Administration, climate change, environmental justice, ensuring that we are building out our manufacturing economy, our clean energy economy, those are factors that are critically important.

Mr. GRIJALVA. Thank you very much. Mr. Chairman, I yield back.

The CHAIRMAN. The gentleman yields back. The Chair now recognizes Ms. Radewagen. Ms. Radewagen, you are recognized for 5 minutes.

Ms. RADEWAGEN. Thank you, Chairman Westerman, Ranking Member Grijalva for holding today's hearing. Thank you to Chair Mallory for your testimony.

On March 23, President Biden announced plans to expand the Pacific Remote Islands Marine National Monument by designating a new marine sanctuary. The President boasted as if this were a designation review that was ending, rather than beginning.

This action could devastate the economy of American Samoa, where 80 percent of all private sector jobs and exports are related to fishing and tanning. This is very important to the overall health of my district and with the Committee's permission, I would like to submit, for the record, a news article published just this

morning outlining how StarKist Cannery employees have submitted a petition opposing the PIRA expansion.

The CHAIRMAN. Without objection.

[The information follows:]

StarKist employees submit petition and comments opposing PIRA expansion

Samoa News.com

<https://www.samoanews.com/local-news/starkist-employees-submit-petition-and-comments-opposing-pira-expansion>

Pago Pago, AMERICAN SAMOA—More than 1,200 StarKist Samoa cannery workers have signed a petition, which voices their opposition to the federal proposal for marine sanctuary designation for the Pacific Remote Island Areas (PIRA)—a move that would expand the Pacific Remote Island Marine National Monument (PRINMM).

Cannery workers displayed their opposition during a public meeting on the proposal held last month at the Tauese P.F. Sunia Ocean Center in Utulei, as they joined ASG and others in the territory to oppose the federal plan.

The four-page petition, along with other public comments, was released recently on the federal portal (www.regulations.gov), which shows that as of yesterday morning nearly 6,000 comments have been received.

June 2 was the final date for comment submission and no new information is available on expanding the comment deadline as requested by Gov. Lemanu P.S. Mauga to the U.S. Commerce Secretary.

The public comments portal shows at least three cannery workers who posted their own short comments opposing the proposal, which has strong support from off-island based groups and individuals.

In the petition—which appears to have been submitted by StarKist, and publicly posted on the federal portal yesterday morning—the cannery workers declared that: “We stand firm in our opposition to the expansion” of the PRINMM.

“We urge the [federal] administration to reconsider and reverse this expansion in order to safeguard the American Samoan fishing industry, protect the local economy, and promote sustainable fishing practices,” the workers said.

It also notes that the signatures on the petition “are the many dedicated fish cleaners and cannery employees who represent the true faces of those who will be affected by the expansion.”

“They are among the thousands of workers who would bear the adverse consequences and they are here to emphasize the on-the-ground impact,” they said and declared in bold: “WE SAY NO TO THE EXPANSION OF THE PRINMM.”

The petition has the names of the workers, their StarKist Samoa employee badge number, village, phone number and signature.

Many local residents and some in the private sector also submitted comments which all oppose the proposed expansion, due to its impact on the cannery and the local economy.

Ms. RADEWAGEN. The NOAA comment period for this expansion just closed and I wanted to share some of the key comments that I would like to align myself with.

President Obama’s former Assistant Secretary of Insular Affairs, Esther Kiaaine commented at the NOAA outreach session in Hawaii that you attended in May that, “Some Federal agencies have shown more concern about the protection of natural resources

and ocean resources than the actual welfare and quality of life for the Indigenous people who live in these areas.”

Kitty Simonds, executive director of the Western Pacific Regional Fishery Management Council stated that day that, “We support the process, but we want to make sure they include fishing in their goals and objectives.”

American Samoa Governor Mauga stated, “American Samoa is repeatedly left out of the conversation of what is best for our communities. We are disappointed that actions could cripple the economy of a U.S. territory would be taken without the consultation of its people.”

The governors of all three pacific territories of Guam, CNMI, and American Samoa jointly wrote to the President, “We are alarmed and concerned over the prospect of expanding potential fishery enclosures through designating a marine sanctuary. Further closures would be in direct conflict with the Biden administration’s IndoPacific economic framework and run counter to the principals of equity and environmental justice.”

No. 1, these are just a few of the comments that reiterate the same or similar point. So, my question, Chair Mallory, is how does CEQ plan to address these key stakeholder concerns?

Ms. MALLORY. First of all, thank you so much for the question. The designation or the beginning of the designation process under the Marine Sanctuary process is one that the President sees as fitting into his overall conservation goals under the America the Beautiful framework.

That goal and that framework sets as an overall goal of preserving and protecting 30 percent of the lands and waters by 2030, and this particular designation, if it were to conclude, would be a significant contribution to that overall goal.

I think the process, as you laid out, is underway. NOAA is receiving, has received the comments that have come in and NOAA’s responsibility, as part of the sanctuary process, is to resolve those issues and to address those issues.

So, how exactly they will do that, I can’t speak to, but the process is robust and I think that it will continue to take in comments from people like those that you suggested and others.

Ms. RADEWAGEN. My time is short and I have a couple more questions, which I will submit. But very quickly, with how important fishing access is to our local communities and the need to push back against reliance on foreign goods, is CEQ going to ensure a domestic tuna source and does the Biden administration support buy American for Tuna in the school lunch program and our military rations, to ensure a safe American supply of tuna for our children and servicemen?

Ms. MALLORY. Thank you so much for that question. That is an issue that, I think, it sounds like NOAA is leading on and I would defer to them on that.

Ms. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentlelady yields back. The Chair now recognizes Mr. Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman, and welcome, Chair Mallory, it is good to see you. I appreciate your testimony. As the Ranking Member of the Water, Wildlife and Fisheries

Subcommittee, I was especially interested in your reference to one of the things the Administration is doing that I support and that is the first ever comprehensive United States Ocean Climate Action Plan. I am eager to work with you on this because I believe that our oceans are central to the conversation about the climate crisis and also could be very, very important to many of our climate solutions.

But before we get too far into that, I want to address one of the messy political items that tend to come up in this Committee a lot. A few weeks ago, we had a hearing where I believe you were invited to testify. You couldn't be here, but our colleagues had a lot of fun at your expense suggesting that you were lounging around on beaches in Hawaii and having a good time, instead of doing the people's work.

My understanding is that you were actually doing the people's work in a very serious way in Hawaii, talking to stakeholders about marine sanctuary policy, something Mr. Graves and I care about. We co-chair the Congressional Marine Sanctuary Caucus.

But I think our colleague, Mr. Case, who is not here today would also probably take exception with the suggestion that anytime people go to Hawaii, they are just having a good time and not doing serious work.

You want to tell us what you were doing that day so we can just set the record straight?

Ms. MALLORY. Thank you, Congressman, for that question. The week that I spent in Hawaii, I went as part of the launch of the sanctuary process that was just referred to and I did the kickoff to express the Administration's interest in that activity and in that process continuing.

So, I was there for that. I also had the great privilege of meeting with a number of the on-the-ground stakeholders who are taking advantage from the funding from the Inflation Reduction Act to put in place restoration projects that have been desired but not afforded for some time.

So, I had a chance to see how the on the ground impacts of the Inflation Reduction Act are really helping communities with their restoration efforts.

Mr. HUFFMAN. All right. It was a productive trip?

Ms. MALLORY. It was a very productive trip. I met with a whole range of people, including government members, including the governor himself and to hear about how we can work in partnership with that community.

Mr. HUFFMAN. Good. What sounds like serious, productive work. Certainly the people's business and that is a lot more than you could say for what typically passes for an oversight hearing in this Committee and the Subcommittee, so good on you.

Could you speak a little more about the Ocean Climate Action Plan and how the Ocean Justice Strategy and National Strategy for a sustainable ocean economy are going to help us achieve our climate goals and promote the blue economy?

Ms. MALLORY. Absolutely. And thanks so much for the question.

As you know, 70 percent of the globe is made up of the water, so if we are going to actually try to address the climate challenges, we have to be using all of our tools, and we believe that the ocean

provides some tremendous solutions to addressing climate change, among other things.

We also recognize that in order to make sure that the productive nature of the ocean continues to thrive, that we have to take measures to allow for the resources to function. So, all of that is reflected in the Ocean Climate Action Plan, which is the first that the Federal Government has ever done.

And under that is a climate justice strategy. And the reason for the climate justice strategy, as we have talked about throughout the Administration, is we recognize that when you look at climate change, environmental justice communities are hit first and most often.

So, we want to make sure, as we are thinking about how we are going to protect our coastlines, how we are going to make sure we take advantage of the opportunities presented by the oceans, that all communities benefit from that.

We have already started having some great workshops on that issue and hearing from folks about the kinds of things that we need to be considering.

Mr. HUFFMAN. Excellent. And you have done a lot of listening and fact-finding. You were in my district last year or the year before to talk about the offshore wind opportunity we have, which we are very excited about. We have set some ambitious goals there.

And you mentioned that you were on the Investing in America Cabinet that is working on streamlining. We have to achieve a lot more high-capacity transmission to fully realize this amazing opportunity in my district and other places.

Can you just, in the few seconds I have left, tell us how you are prioritizing transmission in that process?

Ms. MALLORY. First of all, I am not on that cabinet, but that cabinet is occurring. But we have put in place—

Mr. HUFFMAN. You should be in the room though. I hope you are in the room.

Ms. MALLORY. We have put in place a Memorandum of Understanding across the agencies to take advantage of the existing authorities that we have, in the Federal Government, to try to both expedite the process, ensure that we are dealing with the necessary coordination on transmission.

And I think there is a recognition, though, that in order for transmission to work more effectively, we do need congressional assistance.

Mr. HUFFMAN. I yield back.

The CHAIRMAN. The gentleman's time has expired. The Chair recognizes the gentleman from Louisiana, Mr. Graves for 5 minutes.

Mr. GRAVES. Madame Chair, thank you for being here today. I appreciate it.

Are you aware that the majority of projects that are carried out across the country today are not required to go through a NEPA analysis?

Ms. MALLORY. Thank you, Congressman, for that question. I am aware that projects that do not have a Federal intersection would not require National Environmental Policy Act review.

Mr. GRAVES. Sure. So, the majority of projects—

Ms. MALLORY. I don't know if that is the majority. I just know that if the Federal Government doesn't have a role, the Federal Government doesn't have a NEPA process.

Mr. GRAVES. It is not even close. The far majority of projects carried out across the country today don't have to go through NEPA analysis because of not meeting threshold, such as Federal resources.

Of course, permitting and other triggers are there as well. Yet, we don't see widespread devastation of our environment in the United States because we have an environmental conscious. We have local ordinances, state laws in place that protect the environment and are calibrated to the types of projects that are being carried out.

Now, what we have seen, under the National Environmental Policy Act, over the decades and decades of implementation is we have seen this gross expansion of really procedure. Because, as you know, the law hasn't changed. To the point to where, as the Chairman I believe noted, our road projects today take somewhere around 7 years to go through a NEPA analysis.

And having spent a lot of time working on infrastructure projects in my life, I know it doesn't take anything close to that to build those same projects.

The Chairman and I worked on legislation called the BUILDER Act, that was introduced last Congress, introduced again this Congress, and that was the basis for the NEPA reforms that were included in the FRA, the Fiscal Responsibility Act.

Were you aware that the BUILDER Act was the basis for that negotiation and that law change?

Ms. MALLORY. Yes.

Mr. GRAVES. OK. And the Chairman and I, to give a shout out to Ashley on the Chairman's staff and Emily in the Speaker's staff that were integral to this negotiation, but do you appreciate that under that change in law, that there was a significant raising of the threshold to which NEPA applies to projects and then secondly, a narrowing of the scope of what NEPA actually is supposed to be evaluating?

Ms. MALLORY. Thank you for that question, Congressman. I think as we looked at the changes that were made in the Act, I think our sense is that it is very much in line with the work that we were already doing in the NEPA Program.

Mr. GRAVES. Thank you. If I could interrupt you real quick. So, let me be very clear because I want to challenge that statement. That is very, very concerning for me to hear you say that, because think about what you just said. You just said that a statute that was written 40 years ago, because you said you were already doing this, so I assume you meant already doing it before we amended the law.

So, a statute that was written 40 years ago, you are saying that the law changes we just made effectively didn't have an impact because you were already going to do it under the existing law.

We amended the organic statute. We amended it to raise the threshold under which NEPA projects apply, meaning that fewer projects NEPA will apply to and then secondly, we significantly narrowed the scope. And just to clarify, when we narrowed the

scope, we also recalibrated the timeline by putting a 1-year cap and a 75-page limit on EA's and a 2-year cap and 150-page limit on environmental impact statements.

That was calibrated with the narrowing of scope that we did under the law. So, I am very concerned to hear you say that you were already doing this, because that sounds like almost you were going to ignore the changes in law that we just made that were pretty substantial.

Ms. MALLORY. First of all, Congressman, let me just assure you. We are not ignoring the changes in the law. We are working now to integrate them into the regulations that exist.

What I meant by saying that we were already in-line with what we were doing. If you look at the 2020 regulations, some of the things that were picked up in the statute itself were part of the regulations, so it already existed.

In terms of direction, it already was part of the program and we took steps and are taking steps to make sure that, to the extent that there were any differences in the 2020 regs and what the statutory language said, that that is reflected.

Mr. GRAVES. OK. So, I would ask you a direct question. Whenever we narrowed the scope to reasonably foreseeable environmental effects, do you view that as a narrowing, as compared to the organic statute?

Ms. MALLORY. I do not. We have been doing reasonably foreseeable since the beginning of NEPA. That has been a standard approach to NEPA.

Mr. GRAVES. So, under *Sierra Club v. Marsh*, the Supreme Court stepped in and explicitly said that under NEPA that they should only consider impacts or effects that are likely. Let's see, it says, "likely need to be discussed, as in other legal context. The terms likely and foreseeable decide the type of environmental impact are properly interpreted meaning that the impact is sufficiently likely to occur that a person of ordinary prudence would take into account in reaching a decision."

That is a significant narrowing of the scope and I see I am out of time, so I am going to come back, but I just want to be crystal clear that having drafted it, having negotiated it, and hearing your response is very, very concerning and I will tell you entirely contrary to congressional intent.

The CHAIRMAN. The gentleman's time has expired. The Chair now recognizes the gentlelady from California, Ms. Kamlager-Dove for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair. And I just want to thank Chair Mallory for showing up today. I have a couple of items that I would like to enter into the hearing record.

One document is titled "Examples of Benefits from the NEPA Process for ARRA Funded Activities," and I ask unanimous consent to enter this into the hearing record.

And the second is a GAO report to Congressional Requestors titled "National Environmental Policy Act, Little Information Exists on NEPA Analysis."

I would like to ask unanimous consent to enter these into the record, and I have copies of them here with me.

The CHAIRMAN. Without objection, so ordered.

[The information follows:]

Examples of Benefits from the NEPA Process for ARRA Funded Activities
May 2011

In addition to reporting results, this report explores benefits resulting from the NEPA process for ARRA funded activities. Managers who use the NEPA process to holistically consider environmental issues and requirements find that the NEPA process helps them with program and project delivery in addition to improving environmental performance.

Managers are in a better position to determine how best to implement their programs and projects by considering alternatives for meeting program needs, policy objectives, and environmental requirements. They use the NEPA process to compare the relative benefits and trade-offs associated with the alternative ways in which they can implement the projects and activities. The NEPA process was designed to allow Federal agencies to do more than “check the box” showing that they had complied with the law. The CEQ regulations set out the principle enshrined in NEPA over 40 years ago:

. . . it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. (40 C.F.R. § 1500.1).

The following examples show how managers improved project performance, operationally and environmentally, and reached better outcomes. They provide an illustrative sampling of agency environmental reviews that have resulted in taxpayer dollars and energy saved, resources better protected, and the fostering of community agreements. Several agencies reported that a well run NEPA process improved working relationships with regulatory agencies and thereby contributed to better cooperation, which facilitated project delivery and implementation. These benefits were gained while expeditiously completing NEPA reviews for the ARRA funded projects.

a. Department of Agriculture:

While completing the Environmental Assessment for the NRCS’s Calaveras Creek Watershed Rehabilitation Project to repair structural components of a dam in Texas, a prehistoric bedrock mortar cultural feature was identified. If the site had not been properly surveyed and analyzed during the NEPA process, the cultural feature may not have been discovered and documented. The feature is unique in that no other bedrock mortars are known in this area of Texas. Design measures are planned to avoid adverse effects to the feature by covering it with appropriate protective fill material.

The NRCS’s Gering Valley Watershed Operations Project in Nebraska is a watershed operations project which is installing a drain system for an existing dam. The original dam was built before NEPA became law; therefore, not all of the environmental resource concerns were identified. Based on the analysis completed for NEPA, NRCS opted not to select the original planned alternative that had design features that would have affected natural prairie resources in the project area and potentially impacted the visual aesthetics for the adjacent Scott’s Bluff National Monument watershed. Instead, another alternative analyzed in the EA that avoids those specific natural prairie resources and addresses the landscape/viewshed concerns will be selected. Thus, this project has benefited from the NEPA process by identifying the need to protect native prairie areas as well as protecting scenic beauty and visual aesthetics for the Scott’s Bluff National Monument.

During the NEPA review of the Carolina Mountain Land Conservancy ARRA-Floodplain Easement project in Henderson County, North Carolina, NRCS consultation with the U.S. Fish and Wildlife Service (FWS) resulted in a collaborative partnership with FWS and other funders to restore, enhance and protect recovery habitat for federally listed endangered Bunched Arrowhead (*Sagittaria fasciculata*), a small plant that inhabits early succession saturated wetlands. A restoration design is being produced to provide appropriate hydrologic regimes and light levels to restore and expand habitat for the rare plant. An existing colony of Bunched Arrowhead has been temporarily removed from the site for conservation while the floodplain and wetland are restored. When restoration is completed, the Bunched Arrowhead will be re-introduced to the site.

The Forest Service Butler II/Slide Post-Fire Fuels Reduction Project in the San Bernardino Forest, California, is a vegetation management project designed to protect adjacent communities from the risk of future high-intensity wildfire and provide a safe environment for work crews. Two organizations objected to the project as designed. During the EA process, the forest met with the groups and found resolution. Both groups were also brought into the implementation monitoring to ensure their concerns were addressed.

The Environmental Impact Statement prepared by the Forest Service for the Lakeview-Reeder Roads project in Idaho, analyzed road maintenance reconstruction and new road construction in an area where the endangered boreal toad species exists. The project was intended to improve fish passage and reduce sedimentation in the area. Through public review of the draft EIS, a public comment identified a discrepancy regarding a buffer zone for the protection of the boreal toad. The road was redesigned to provide an adequate buffer to protect the species.

The Forest Service Babione Vegetation Management Project in Bighorn National Forest, Wyoming, was designed to conduct various vegetation treatments to reduce hazardous fuels and restore forest health. Through the public involvement process the agency worked with adjacent landowners to address concerns that on-the-ground activities could lead to increased trespass on their private land. In order to alleviate this concern and still meet the project's purpose several design elements were incorporated to address the landowners concerns.

The analysis of access and travel management in the Tongass National Forest, Sitka Ranger District assisted the Forest Service in determining how the road system on the Sitka Ranger District will be managed. The NEPA process revealed that many local residents favored leaving all or nearly all roads open, while a number of residents favored closing roads to protect water quality, fish habitat, and old-growth forest reserves. In considering the competing positions, the responsible official determined that hard choices had to be made. The Ranger closed roads where use would have unacceptable impacts on resources and left open roads where use would have no or limited impacts. The ranger district will pursue partnerships to facilitate improved access, including adopt-a-road agreements to maintain roads.

The Forest Service funded a Roan Mountain, North Carolina Facilities Maintenance project to repave existing trails, a parking area, and an access road. During the scoping process individuals requested the use of porous pavement be considered to reduce rain runoff. The use of porous pavement requires a 47 inch minimum clearance from the bottom of the paved surface to bedrock an in response to the scoping comments studies found the bedrock at the site is 6–12 inches below the surface. The NEPA process allowed the public to better understand why an alternative action that appeared to be environmentally friendly was not pursued.

The Forest Service funded Vegetation Management Project on Crooked River, Idaho was designed to conduct various vegetation treatments to reduce hazardous fuels and restore forest health. The Agency identified the State of Idaho's Department of Fish and Game as a cooperating agency. The state brought forward new information on flammulated owl habitat, which modified the acres treated and protected the habitat.

The Rural Development Rural Community Facilities Program included the proposed construction of the Eastern Shore Rural Health Medical Center in Olney, Virginia. This project involved construction of a new medical building, parking, and infrastructure, which required the installation of on-site groundwater sources and septic system. This site is located within the Columbia and Yorktown-Eastover Multiaquifer System which is a Sole Source Aquifer supplying more than 50 percent of the water needs for the communities within the service area boundaries. As a result of the NEPA process, the EPA reviewed the proposal in the planning stages and suggested modifications to the proposal to address the potential adverse risk to ground water from contamination. Also, due to the concerns of the public and agencies involved in permitting this project, to protect this sole source aquifer, the local Soil and Water Conservation District is using the facility grounds and surrounding area to plant native vegetation for a native and healing planted garden. Planting of native vegetation in this way will help to treat runoff from the proposed facility and contribute to protection of adjacent wetland and waterways, which recharge the aquifer.

The Rural Development Community Facilities Program also funded the adaptive reuse of the Milton Public Library in Milton, Pennsylvania, an existing structure eligible for listing on the National Register of Historic Places and located within an historic district. The reuse of this significant structure involved the purchase, relocation, and renovation (including construction of an addition) on an existing two-story single family residence, the Rose Hill House, within the Milton Historic District. The dwelling was originally constructed in the late 1800s, was destroyed

by fire in the mid-1900s and then subsequently rehabilitated, along with the carriage house also located on the property. Through the NEPA process and consultation with the State Historic Preservation Officer and interested parties, Rural Development was able to make a 'no adverse affect' determination for the adaptive reuse plan for this National Register of Historic Places eligible structure.

The Rural Development Community Facilities Program funded a proposal to renovate dorms and construct apartments for student housing at Bridgewater College, in Bridgewater, Virginia. The college is located next to the Town of Bridgewater's historic district. The college, founded in 1880, has a number of historic buildings on campus, many dating to the late 1800s. Pursuant to Section 106 of the National Historic Preservation Act, the college's architect, in close consultation with the Virginia Department of Historic Resources, provided a design that would appropriately blend the new construction and renovations with the existing historic character of the area. The new apartment buildings are Victorian in appearance and are consistent with the adjoining historic district. The renovations of the dorms blend in with the existing buildings on the campus. As a result of the application of NEPA and the related Section 106 consultation process, the college was able to provide modern student housing with a historic character that is an asset to the college and the historic flavor of the Town of Bridgewater.

Rural Development funded the installation of a 12 million gallon per day water intake and pump station, along with a transmission line to the Middle Holstein South Fork Water Treatment Plant in Washington County, VA. In addition, the Water Treatment Plant will be upgraded to handle the additional flow. Through implementation of the NEPA process in the planning stages, this project identified mitigation actions to protect the archaeological remains of two prehistoric Native American camps and minimize floodplain impacts. In addition, mitigation was included to protect the scenic beauty and visual aesthetics of the Virginia Creeper Trail, a "rails-to-trails" project in the National Recreation Trail inventory.

Rural Development's Rural Water & Waste Disposal Program funded a water distribution project, the Millwood-Bloomington Water System Improvement Project, that will provide for the installation of approximately 140 miles of pipeline in Williamsburg County, South Carolina. This will provide water service to residences currently served by individual private, unregulated wells. Through implementation of the NEPA process in the planning stages, this project identified potential species and habitat impacts on the American chaffseed (*Schwalbea americana*) and red-cockaded woodpecker (*Picoides borealis*), species protected under Section 7 of the Endangered Species Act. The mitigation resulted in adjusting the pipeline route as well as the location of construction equipment. In addition, mitigation was developed to protect the scenic beauty and visual aesthetics of the Black River, a river segment included in the nationwide Rivers Inventory.

b. Department of Commerce:

The Department of Commerce NOAA Operations, Research and Facilities actions include effective standard and special award conditions placed on the use of ARRA funds. Those conditions will ensure adequate protection for federally administered areas of coastal or marine habitat, and/or biological resources such as anadromous fisheries, federally listed endangered or threatened species and marine mammals. These conditions also ensure protection for historic structures and cultural resources that are listed, or eligible for listing, on the National Register of Historic Places.

The National Telecommunications and Information Administration's Broadband Technology Opportunities Program (BTOP) employed an iterative process with applicants to make them aware of the environmental review implications of the proposed projects for which they sought grants. In one case, the fiber optic cable project required trenching and excavating of wetlands. Through the environmental review process, the applicant became aware of the critical issues associated with wetlands and is working to avoid some impacts and fully mitigate those caused by their project.

In another Broadband Technology Opportunities Program project, the NoaNet was developed to serve the State of Washington by allowing the state to upgrade and expand broadband infrastructure to combat the social and economic issues facing local and rural communities and to enhance broadband connectivity to six Indian tribes in the State. The NEPA process was the key procedural step in identifying and protecting critical habitat and protected lands in the State of Washington, while still allowing the grantee to use ARRA funds to add fiber backbone capacity to existing networks and specifically target and develop broadband infrastructure in areas that were underserved.

As a result of the NEPA process, the Economic Development Administration protected a 26.5 acre forested wetland to the southwest of the Flagship Enterprise

Center, a 80,000 square-foot multi-tenant business/industrial facility on an 8.4 acre site. The wetlands are important habitat because of the permanent aquatic habitat that might be used by migratory waterfowl. Conditions on the \$2.7 million in Recovery Act funding for the construction project will protect the wetland by (1) precluding impacts on the hydrology of the wetland through any changes of slope or drainage features; (2) preventing runoff from storm events from being directed to the wetland; and (3) providing retention facilities to contain storm water within the current footprint of the project site.

The programmatic environmental assessment process allowed the National Institute of Standards and Technology to evaluate the environmental effects of several construction projects in Gaithersburg, Maryland at the same time. By analyzing all ARRA projects and a few additional non-ARRA projects at once, a holistic approach to the campus was taken and environmental impact boundaries were outlined in the Finding of No Significant Impact for all present and future projects. Projects must fall within the boundaries or they will require additional environmental analysis.

c. Department of Defense:

The U.S. Army Corps of Engineers' NEPA process for the Lorain Harbor, Ohio dredging and reiteration and reconsideration of dredged material management alternatives and provided the opportunity for public interest review. Analysis conducted in conjunction with the NEPA action verified that a greater volume of dredged material was suitable for unconfined open-lake placement thereby obviating the need to provide additional confined disposal capacity than was previously planned through the Lorain Harbor Dredged Material Management Plan (DMMP).

The NEPA process for the Norfolk District, U.S. Army Corps of Engineers (USACE) Winter Harbor, Virginia Federal Navigation Project alerted the District to the potential impacts of depositing channel sediments upon an eroding beach shoreline inhabited by the federally endangered Northeastern Beach Tiger Beetle. The District, during development of the Environmental Assessment and consultation with the FWS, developed conservation and mitigation measures designed to protect the beetle. These measures resulted in maintenance dredging that avoided work during seasons that would impact the beetle, created additional habitat, and completed the maintenance dredging to facilitate navigation.

The Tres Rios project connects Rio Salado and Rio Oeste environmental projects in Phoenix, Arizona, and continues the restoration of the Salt River west to the Agua Fria River. Tres Rios provides a net environmental benefit by maintaining the effluent thereby enhancing the riparian area in addition to protecting 600 structures from flooding this project maintains habitat for many species of birds, reptiles and mammals to live, nest and raise young. The NEPA process alerted the agency of the potential impact of placing dredged material in sensitive areas that would have impacted the wildlife and resulted in realigning the dredged material placement areas to maintain the habitat areas.

While reviewing the proposal to create a 200-acre Bolivar Beneficial Use Marsh in Galveston Bay, Texas, the U.S. Army Corps of Engineers worked with other agencies to form the Beneficial Use Group to devise a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Bay ecosystem. Historically, deep-draft channel construction and maintenance material had been deposited into unconfined, open bay placement areas in Galveston Bay, which resulted in adverse impacts to bay bottom habitat now designated as essential fish habitat. Further, the loss of intertidal marsh has been identified as one of the critical problems of the Galveston Bay estuary by the Galveston Bay National Estuary Program. As a result of the environmental review for projects including the Bolivar Beneficial Use Marsh, the Group prepared a plan to create intertidal marsh and nesting islands for colonial water birds. The project also provides benefits to important recreationally and commercially valuable fish species.

Over the years, frequent flooding impacted large numbers of Des Moines, Iowa residential, commercial, and industrial properties. In cooperation with Des Moines, The Rock Island District (District) conducted a flood reduction feasibility study with an integrated environmental assessment. The project's study team evaluated many alternatives involving levee operation and maintenance, improvements, and new alignments that would reduce operation and maintenance costs and improve safety during flood events. Due to the importance and value to the City of Des Moines, the District expedited their report preparation with emphasis on adaptive management. The NEPA process established mitigation requirements and agency coordination pivot points based on the desired final plans. The close project coordination between the District and City of Des Moines resulted with the feasibility report/EA

including wetland mitigation based on a series of levee alignment scenarios within the preferred alternative. All the scenarios resulted in no significant impacts.

The District COE proposed a project to construct emergency streambank and erosion protection for a major city thoroughfare in Iowa City, IA, along the Iowa River. The original plan and environmental assessment included bank protection encroaching approximately 15 feet into the river. During the NEPA process, the Iowa Department of Natural Resources (IDNR) indicated there was a possibility the project may impact two state threatened mussel species. The District completed the mussel survey, which found 11 native mussel species, including the state endangered Pistolgrip. Based on the mussel survey findings, the District and IDNR worked together to relocate all the recovered mussels to a nearby mussel sanctuary and the District reduced the project footprint in the river to avoid impacts on the mussels.

The Department of Defense reports that the NEPA reviews for the Energy Conservation Investment Program benefited the Department. This program is designated for ARRA projects that reduce energy and water usage and include proposed construction of high efficiency energy systems. The NEPA process required a separate look at the project planning stage to identify impacts and alternatives in support of sustainability and energy conservation that have led to a reduction of energy and water needs and costs.

The formation of a Beneficial Use Group (BUG) during the NEPA process for the Army Corps of Engineers, Galveston, TX District's Houston-Galveston Navigation Channels (HGNC) Project led to a plan to eliminate open bay placement of dredged material and to use dredged material to create environmental features that provide a net benefit to the Galveston Bay ecosystem. As a result of the NEPA process, the BUG came up with a plan to create intertidal marsh and restore and create colonial water bird nesting islands with HGNC dredge material. This project will result in a net benefit to the Galveston Bay ecosystem by creating 88 acres of intertidal marsh for mitigation of impacts, that will provide benefits to important recreationally and commercially valuable fish species.

d. Department of Energy:

DOE used the NEPA process for the loan guarantee for construction and operation of a flywheel-based frequency regulation facility at an undeveloped seven acre site in Stephentown, New York. This Environmental Assessment provided a forum to document and explain the benefits of the project to the public and decision makers, specifically, the greenhouse gas savings that could be achieved by using the proposed flywheel-based frequency regulation technology as opposed to the fossil fuels-based frequency regulation technology.

An Environmental Assessment was used to consider a loan guarantee for construction and startup of the proposed Neal Hot Springs Geothermal Facility in Vale, Oregon. The NEPA process helped DOE to identify and address potential low level induced seismicity associated with enhanced geothermal systems where injection is used to improve reservoir permeability and sustainability. The identification of these issues occurred early in the process, which allowed for efficient inclusion of practicable environmental control measures to ensure that the project was not a potential source of seismic activity.

An Environmental Assessment was also used by DOE to integrate project planning and environmental concerns for demolition of Building 330, which housed the former Chicago Pile-5 research reactor at Argonne National Laboratory in Illinois. The scoping phase of the process brought operational and environmental expertise together and facilitated development of demolition and transportation approaches to better protect workers and the public.

DOE used the Environmental Assessment process to take a more comprehensive look into future planning at the Savannah River Site in South Carolina. The Environmental Assessment analyzed the waste streams of both low-level and mixed low-level radioactive wastes, for the past, current, and anticipated scope of work, and all potential government and commercial waste facility destinations. This resulted in solutions that were much more cost and time efficient, and limited the expected transportation impacts over the long term in the surrounding communities. This comprehensive approach was achieved due to input received during agency and public scoping.

The Bonneville Power Administration used the Environmental Impact Statement process for the construction and operation of a new 500-kilovolt transmission line along the Columbia River in Oregon and Washington. The NEPA process helped refine the transmission line route to avoid conflicts with local community and private property land use. The route refinement would not have been apparent without public participation in the NEPA review. The process facilitated public under-

standing of the project and identified appropriate mitigation measures relative to cultural sites, sensitive plants, wildlife, wetlands, and land use.

A DOE Environmental Assessment analyzed the then-proposed molecular foundry, a nanoscience research facility at the Lawrence Berkeley National Laboratory in Berkeley, California. The DOE Environmental Assessment influenced the design, construction, and operation decisions and identified mitigation measures to avoid impacts to the Alameda whipsnake, a species listed as threatened under the Endangered Species Act. As a result of the NEPA process, DOE sited the facility outside of critical habitat, restricted construction activities to daylight hours, disposed of soils in a manner to reduce the potential for encountering and injuring whipsnakes, and implemented landscape design and maintenance during and after construction so as to reduce potential impacts to the whipsnakes.

NEPA analysis was conducted for construction of a vehicle battery and hybrid components manufacturing facility, sited in Midland, Michigan. The NEPA process increased the project team's awareness of issues related to preexisting dioxin-contaminated soil, including the potential for impacts in the vicinity of the project site. The applicant incorporated measures to minimize the risk of exposure to dioxin-contaminated soils during construction, including notifying the affected facilities (including a day care) of the construction activities and potential exposures, more rigorous management and monitoring of fugitive dust when direct fugitive dust emissions would impact nearby facilities, providing for temporary relocation during days of exposure, scheduling around day care operation, and providing temporary enhanced air filtration during construction.

DOE proposed to issue a grant for the development and production of electric drive vehicle systems in Detroit, Michigan. The project initially involved construction of more than 2 million square feet of manufacturing space on multiple undeveloped sites. Environmental implications identified during the NEPA scoping process led to an iterative process between the applicant and DOE staff to reshape the proposal into one that involved retooling and retrofitting existing manufacturing facilities, with only minor new construction on a previously disturbed site. Potential environmental impacts were greatly reduced through this process.

In accelerating clean-up work at the Transuranic Waste Processing Center located within the Oak Ridge Reservation in Oak Ridge, TN, DOE implemented mitigation measures for a small wetland that was identified during the NEPA review. Early consideration of environmental information during the review of proposals for the project helped DOE avoid costly analysis of alternatives that may not have been viable. The NEPA process facilitated communication with other agencies regarding the alternatives and their associated impacts. It also provided an educational tool for the public, showing that various alternatives were considered and that DOE was moving forward with the alternative that would least impact the environment in the short-term and improve the environment in the long-term.

DOE funded the construction of a light source facility at Brookhaven National Laboratory in Upton, NY. The light source will deliver x-rays with unprecedented intensity and brightness for research to find solutions to important energy challenges. During the EA scoping process, DOE learned that a state mining permit would be required to acquire sand from outside the immediate project area, which would delay the start of construction. Input to the design process identified a sufficient volume of sand from the immediate project area, and the delay was avoided. The NEPA process also identified the potential for project storm water discharge to affect recharge basins considered designated habitat for the tiger salamander, a state threatened species. This triggered changes to the project design to adjust discharge location points and maintain flows to ensure the area continues to be suitable salamander habitat.

An environmental assessment was produced for a proposed Advanced Vehicle Battery and Hybrid Components Manufacturing project in Sanborn, New York. The program, listed under Energy Efficiency and Renewable Energy, is a grant program to accelerate the development and production of electric drive vehicle systems to substantially reduce petroleum consumption in the United States. In response to comment during the NEPA process, the project will use landscaping techniques, including replacement vegetation native to the area and free of invasive plant species, to reduce the need for water to maintain landscapes and to benefit native plant communities and wildlife.

Idaho National Laboratory, located in southeast Idaho, is accelerating disposition of remote-handled transuranic (radioactive) waste. Information received from external technical experts during the comment period on the draft environmental assessment facilitated the selection of a transportation route that minimized the risk of potential impacts to cultural and biological resources.

e. Department of Health and Human Services:

In considering an important Brownfield redevelopment project in South Providence, Rhode Island, the NEPA process for the Providence Community Health Center helped to uncover the existence of potential residual contaminants from lithography chemicals and underground tanks at the historic site. Working with EPA Region I and the Rhode Island Department of Environmental Quality, HHS ensured that the necessary measures were incorporated as part of redevelopment of the site to protect human health and minimize the potential for future liability. Upon receiving the appropriate findings that remediation standards have been met to ensure that the future health of workers and patients is protected, HRSA moved forward with funding the project.

f. Department of Homeland Security:

The Environmental Assessment for the U.S. Coast Guard Cutter Sycamore housing project in Cordova, Alaska, identified potential wetlands impacts which resulted in considering additional alternatives for site locations and housing configurations. An Environmental Assessment published in 2002 identified a requirement for additional site hydrology studies of wetlands within the building location. The environmental field studies discovered extensive on-site wetlands, the impact to which could not be totally avoided. The supplemental Environmental Assessment process provided the opportunity to consider additional alternatives for configuration of the housing as well as an opportunity for public input on those alternatives. The supplemental Environmental Assessment and Finding of No Significant Impact provided recommendations that preserve and maintain much of these wetlands and minimize down slope storm water runoff.

The NEPA process allowed the Coast Guard proposed alteration of the Burlington Northern Santa Fe Railroad Bridge between Iowa and Illinois to determine and address the potential impacts the bridge construction would have on the Spectaclecase mussels located on the existing bridge piers. The mussels are a species of conservation concern in Iowa and endangered in Illinois. As part of the NEPA process, a Biological Assessment concluded the mussels would be relocated prior to construction in order to avoid an adverse effect on the mussels and construction processes were modified to mitigate impacts to these species.

In a similar example, the NEPA process allowed the Coast Guard to determine the potential impacts of the alteration of the Galveston Causeway Bridge in Texas on species of concern and construction processes were modified to mitigate impacts to affected meiofauna and microfauna species.

The Federal Emergency Management Agency (FEMA) is using the NEPA process for ARRA grants to engage grantees early in the process so that environmental issues can be addressed to avoid or minimize potential impacts to the environment. FEMA's grant awards are intended to help strengthen the resiliency of communities in their overall homeland security preparedness, and the grant award documents are written to help ensure that grant funded projects are accomplished with little to no impact to the environment. Grant award terms and conditions prevent the release of grant funding until FEMA has determined that a project is eligible for a categorical exclusion, a finding of no significant impact or the grantee has agreed to implement mitigation activities. Grantees are taking into account ways to minimize impacts to sensitive resources, including historic structures, endangered species, wetlands, and floodplains. This encourages grantees to identify ways to minimize the impacts of the projects that they are proposing, but it also helps to raise the grantees' awareness and improve their planning for future grant-funded projects so that they can proactively begin data gathering and will know what resources to avoid as they move forward. In addition, as more projects progress through the NEPA process, mitigation measures will be identified and implemented in order to protect valuable resources. This process is most evident in the types of projects implemented by the ARRA Fire Fighter Assistance and Fire Station Construction Grants, where the award making decisions consider potential impacts to sensitive resources.

g. Department of Housing and Urban Development:

The Housing and Urban Development NEPA process for the Palestine Commons Senior Living Facility project, which involves the construction of 69-units of elderly housing in a three-story structure in Kansas City, Missouri, helped ensure that soil and groundwater contamination will be remediated to state cleanup levels and that all units will be constructed to the Energy Star performance standard. This will likely be one of the largest multi-family buildings in the Kansas City metropolitan area to meet Energy Star requirements.

The Housing and Urban Development NEPA process for the Snohomish Multi-family Rental Housing project involved Neighborhood Stabilization Program funds and Public Housing Recovery Act Capitol Funds to construct multi-family housing in Marysville, Washington. Snohomish County Housing Authority, as project sponsor, is responsible for preparing the environmental analysis. The site is directly adjacent to Interstate 5, the main interstate highway on the West Coast. As part of the environmental review, HUD environmental officers worked extensively with Snohomish County to calculate the noise levels and to determine appropriate mitigation measures for the housing and an on-site tot lot. Mitigation for the housing will incorporate the best sound-attenuation construction technologies for windows, walls, and ceilings. Mitigating noise for the tot lot was achieved by altering the site plan and re-arranging building footprints to block sound transmission in the tot lot area. The NEPA process allowed alternative mitigations to be considered and encouraged creatively applying HUD standards in the planning phase of the project in order to minimize noise impacts to future residents.

The Housing and Urban Development NEPA process for the Historic Bastrop High School building in Bastrop, Louisiana involved the ARRA Tax Credit Assistance Program (TCAP) to convert the historic building into 76 units of housing for the elderly. The project converts a public nuisance into a project that supports the Bastrop Main Street downtown redevelopment plan. The historic building had deteriorated in recent years and the NEPA review identified numerous issues with the unsecured building, including structural instability, roof leaks, and, notably, lead-based paint, asbestos, and lead contaminated galvanized water supply pipes. Project design and rehabilitation plans were coordinated with the State Historic Preservation Office to preserve and restore the building's original red brick exterior with expansive new permanent windows. As a result of the project, the structure has now been secured and stabilized with the installation of new roofing and windows.

HUD provided ARRA funding to the Topeka Housing Authority to construct 64 units of new public housing in Topeka, Kansas. The mixed-financing Echo Ridge project will comply with the Enterprise Green Communities Criteria for sustainable development. Owing to HUD's NEPA review process, the project will also be quieter than otherwise would have been the case, because the need for a noise barrier was determined. A 1,700 foot noise barrier will be built to protect the project residents from roadway noise using a combination of earthen berm and masonry wall, which, in conjunction with landscaping, will soften the effects of the noise barrier itself.

h. Department of the Interior

The 56 ARRA Hazardous Fuels Reduction projects implemented by the Department's Office of Wildland Fire Coordination are small but highly visible model projects for public outreach and participation, planning and implementation. Each project showcases within local communities the efforts to reduce hazardous accumulations of vegetation and woody fuel that pose potential wildfire risks to these same communities as well as the potential benefits of utilizing woody materials that would otherwise be disposed of in landfills. Making use of the NEPA public involvement process, projects were identified either through the development of local, collaborative community wildfire protection plans, or to meet the objectives of land and resource management plans which prioritize the protection of communities from the risk of wildfire as well.

The Lime Kiln Salvage Road project north of Lewistown, Montana, was successful in large part due to the Bureau of Land Management (BLM) NEPA public involvement process. The public involvement process was instrumental in helping to design a road system to access and salvage blow down timber as well as recognize the recreational values of the area. The public emphasized the need for the area to be maintained as a non-motorized use area but also came to recognize the need to address the blow down timber and subsequent forest health issues. Several proposals were presented, discussed and refined during public meetings and ultimately led to the decision to build a road to access salvage logging and then close the road to motorized use. Additionally, portions of the road will be rehabilitated to the extent possible while other portions will be incorporated to expand the existing recreational trails in the existing Limekiln Trail System and provide future recreational opportunities.

The National Park Service (NPS) prepared an EA that analyzed the proposals to reuse the historic Shirley House at Vicksburg National Military Park, Mississippi, in an Environmental Assessment. Shirley House is currently inaccessible to visitors and access is limited to only those park employees performing necessary repairs and inspections. Given its condition, visitors cannot enter the building or fully appreciate its historic significance. The park originally proposed to adaptively re-use the

structure for offices or for a visitor contact station. However, as a result of the NEPA Environmental Assessment and comments received during public scoping, the original scope of the project was modified to focus more on preserving, rehabilitating, and restoring the historic fabric of the structure and providing a more historically accurate setting for visitors. The preferred alternative will allow the Shirley House to be opened to the public while at the same time protecting the integrity of the historic structure and the surrounding cultural landscape.

The NEPA process for considering closure of several abandoned mines in four Arizona parks allowed the NPS to consider the actions of abandoned mine closures comprehensively and on a landscape-scale. The environmental assessment evaluated the impacts associated with abandoned mine closures at Coronado and Organ Pipe Cactus National Monuments and Grand Canyon and Saguaro National Parks and identified specific mine closure activities for each feature in the four parks, and indicated specific mitigation measures to protect sensitive cultural and natural resources. Combining the NEPA public involvement processes (public scoping and review) in conjunction with enhanced agency consultation efforts for abandoned mine closures at the parks provided the public with a more thorough understanding of the overall project activities and helped to streamline the review and comment by interested and affected parties.

Providing a forum and opportunity for public involvement is a primary objective of the NEPA process. The FWS Alaska Region conducted an environmental assessment (EA) for a project aimed at restoring habitats for nesting seabirds on isolated oceanic islands (entitled Invasive Species Eradication for Habitat Restoration on Tangik, Poa and Sud Islands, Alaska). The public's participation in this NEPA action was positive and highly supportive. When the EA was circulated for public comment, the majority of the responses received were in favor of the project. In one case, a member of the public suggested that the FWS not use lead shot to terminate invasive rabbits and marmots because of the potential threat of ingestion by birds that might prey on or scavenge carcasses that cannot be retrieved. Based on this input, the FWS clarified the project description to make clear that only steel shot or non-toxic lead alternatives will be used, thereby protecting bird species from the adverse impacts associated with ingesting lead shot.

The Environmental Assessment for the Bureau of Reclamation's Sunnyside Conduit project in Washington was developed with input from stakeholders to ensure all aspects of the project were addressed. The public scoping process provided feedback that identified a key storm water issue which needed to be analyzed. A public review of the assessment was conducted to allow another opportunity for the public and stakeholders to comment on the incorporation of the storm water item, as well as other components of the NEPA review. As a result of NEPA process, the project will benefit fish and conserve water by leaving more water in the natural system.

In the course of conducting the necessary research associated with the underground tank removal project at the Steilacoom Warehouse and Storage Facility in Washington, the USGS established a strong working relationship with the State of Washington Department of Ecology, Department of Archeology and Historical Preservation, the Steilacoom Tribe, the Nisqually Tribe, and the Puyallup Tribe. These new relationships allowed USGS to complete the NEPA review for the project and begin implementation expeditiously and efficiently.

A National Park Service project will replace a learning center, intern housing and employee housing that were destroyed by a wildfire in the Santa Monica National Recreation Area, CA. The project will also remove hazards that resulted from the wildfire and make the area safe for visitors. The NEPA process allowed for public and regulatory agency input on the project, as well as input from regional and park experts. As a result of the review, the project will be more protective of park resources. Because of the NEPA review, the final project included 30 mitigation measures designed to protect the dark night sky, viewsheds, vegetation, water quality, archeology, and natural resources.

A National Park Service project will repair damaged culverts and headwalls along the Park Loop Road in Acadia National Park (ME). One of the culverts to be repaired under this project spans Hunters Brook, a high-quality trout fishery and sensitive resource of concern. In this location, paving stones were used to armor the stream bank in the past. Due to stream movement and erosion over the years, the paving stones have fallen into the stream channel, causing additional stream bank erosion and sedimentation into the trout stream. The NEPA scoping process for this project resulted in the development of an alternative that will restore the health of Hunters Brook while preserving the historic character of the road that passes over the brook. The road and associated culvert and headwalls are part of the Park Loop Road system, which is listed on the National Register of Historic Places. This

solution was developed through consultation with a number of agencies, including the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife, and the Maine Historic Preservation Officer. If not for the NEPA and permitting processes, it would likely have been a “band-aid” repair and not the long-term solution that was needed to restore the health of the stream.

i. Department of Labor:

A wind turbine for Treasure Lake Job Corps in Oklahoma was to be located in the Wichita Mountains Wildlife Refuge which is a habitat for Eagles and other soaring birds. Another wind turbine at Boxelder Job Corps, South Dakota was to be located in the Black Hills National Forest, which is also a habitat for soaring birds. Environmental Assessments were prepared for those projects. Based on the results of the Environmental Assessments, Job Corps management decided on September 1, 2009, that placement of the turbines would not be appropriate at these locations because the risk of threatening migratory birds in the areas outweighed the advantages of these renewable energy projects. DOL was able to redirect those funds to two renewable energy projects, the North Texas and Hawaii/Maui Job Corps Centers Wind Turbine projects, that did not have the potential for significant impacts.

j. Department of State:

The Department of State benefited from the Environmental Assessment prepared for improvements to the Arroyo Colorado Floodway in Hidalgo and Cameron Counties in Texas. The International Boundary and Water Commission, U.S. Section, proposed raising the levees to allow for adequate protection of a 100 year flood event and to meet the standards of the Federal Emergency Management Agency. The NEPA process allowed the US Section to involve the surrounding community and stakeholders in an evaluation of potential impacts that may occur to cultural resources in the project area and developed protective measures to preserve the resources.

k. Department of Transportation:

The Federal Highway Administration has processed or is currently processing ARRA-funded projects in many States that demonstrate the benefits provided by the NEPA analysis and documentation. The involvement of stakeholders and collaboration with resource agencies have resulted in projects which incorporate features such as context sensitive solutions and non-motorized facilities into the improvements to highway facilities. For example, on the Yuma Pivot Point Plaza project in Arizona, the NEPA process led to the recognition of the importance of protecting the Swing Span project, a historic feature of the transcontinental railroad system, as well as connecting the Plaza with the adjacent Gateway Park. In the case of the U.S. 33 Nelsonville Bypass in Ohio, the NEPA process led to mitigation measures during and after construction, including tree and grass planting for erosion control and native plant restoration, provisions for large and small animal crossings, special fencing to prevent animal encroachments into the right-of-way, and special lighting to direct the flight of bats over the roadway.

In the case of the Newtown Pike Extension project in Kentucky, as a result of the early coordination of the NEPA and National Historic Preservation Act processes, FHWA introduced measures to record the history of National Register of Historic Places eligible structures, collect local oral histories, and use the results from phase 3 archaeological studies for public education efforts.

The Federal Aviation Administration prepared an Environmental Impact Statement for the construction of a replacement airport at St. George, Utah. The replacement airport at St. George is designed for larger aircraft, contributing to fewer overall operations and a decrease in jet fuel demand and emissions. Through alternatives development in the NEPA process, the EIS allowed for the evaluation of alternatives with environmental benefits for airport noise, air quality and energy efficiency. As a result, under the proposed action, no dwellings fall within the 65 decibel Day-Night Sound Level (DNL) noise contour. In addition, the proposed facilities were designed to be more energy efficient.

The Federal Railroad Administration’s NEPA review of ARRA projects has resulted in the early identification and documentation of valuable historic resources. For example, environmental analysis considering the Replacement of the Safe Harbor Transmission Lines in Lancaster County, Pennsylvania has determined that the transmission poles involved are historic resources. A cultural resources assessment for the same project indicated the possible presence of tribal cultural resources within the area of potential effects. FRA efforts resulted in the crafting of a

Memorandum of Agreement regarding the use of historic resources signed by all parties.

l. Department of Veterans Affairs:

NEPA reviews conducted by the National Cemetery Administration provide a framework for VA to evaluate proposed energy projects and compare them to other alternatives, thereby optimizing their locations. For example, the Environmental Assessment for the Wind Turbine at Bourne, Massachusetts allowed VA to evaluate a range of potential wind turbine capacities and conclude the optimal turbine capacity for the Massachusetts Military Reservation, taking into account and reducing potential noise and visual impacts.

The EA for a biomass boiler project at White River Junction Medical Center in Vermont, by using a holistic NEPA review, allowed VA to evaluate the installation of additional equipment in combination with the biomass boiler, and to consider different potential storage areas for wood chips.

In another example, the Environmental Assessment for the ground mounted solar photovoltaic system at San Joaquin Valley National Cemetery in California considered and eliminated other locations due to proximity to burial sites, proximity to existing electrical systems, and roof composition. An Environmental Assessment for another photovoltaic array project at the Dublin, Georgia VA Medical Center was helpful in studying issues of aesthetics, hydrology, and noise.

m. Environmental Protection Agency:

The Environmental Protection Agency addressed the Diesel Emission Retrofit (DERA) Program through a programmatic (rather than individual) NEPA review process. As a result of that decision, and the expeditious completion of a comprehensive Environmental Assessment (which was circulated for a 30-day national review), EPA was able to issue a Finding of No Significant Impact for the entire DERA Program. This allowed EPA to expedite the award of over \$290 million in Recovery Act funds.

n. General Services Administration:

The Environmental Assessment process and associated consultation with the Puerto Rico SHPO on the Federal Bureau of Investigation Field Office Consolidation project that proposed a new parking garage adjacent to the existing Hato Rey Federal Building identified a new building eligible for listing on the National Register of Historic Places. The Hato Rey Federal Building was identified as a structure eligible for listing on the National Register, although it had not yet reached the age of 50 years. The NEPA review for the proposed parking garage ensured that the design and of the parking garage did not negatively impact the viewshed of the Hato Rey Federal Building.

During development of the Edith Green/Wendell Wyatt Federal Building in Portland, Oregon, the Environmental Assessment and feasibility study investigated various alternative energy efficient technologies such as the installation of a ground source heat pump for the building. The NEPA process has also ensured that the public is involved with the entire process, by holding scoping meetings to disseminate information regarding the test well for the ground source heat pump and the determination of whether or not it can meet specifications to work in the building.

o. National Aeronautics and Space Administration:

NASA reported that its NEPA program ensures that the agency is proactive in meeting its Federal stewardship responsibilities while ensuring mission success and lowering costs. For example, within the Recovery Act Cross Agency Support (CAS) Program involving hurricane repairs at Johnson Space Center, in Texas, a reduction in energy, operations, and maintenance costs was identified as one of four overarching success criteria and sustainability practices were incorporated into the CAS projects. As a result, Johnson Space Center (JSC) is expected to gain between 20 to 30 percent in energy efficiency on each building where Recovery Act funded roof repairs are being undertaken.

p. National Science Foundation:

As a result of the NEPA process employed by the National Science Foundation (NSF) for the Advanced Technology Solar Telescope (ATST), NSF became aware of concerns about the ATST's potential impacts on cultural resources. In response to those concerns, NSF agreed to implement many forms of mitigation, including the formation of the ATST Native Hawaiian Working Group, a novel approach designed to help ensure continued consultation throughout the construction and operation phases of the ATST. This mitigation measure became part of both the NEPA and

the National Historic Preservation Act Section 106 mitigation measures. In addition, the NEPA process led to a mitigation measure designed to address the intersection between Native Hawaiian traditional cultural practices and science by funding an educational initiative with Maui Community College.



United States Government Accountability Office

Report to Congressional Requesters

April 2014

NATIONAL ENVIRONMENTAL POLICY ACT

Little Information Exists on NEPA Analyses

GAO-14-370

The full report is available at:

<https://www.gao.gov/assets/gao-14-370.pdf>

Ms. KAMLAGER-DOVE. Great. I do have to say I think that, and words like unprecedented were used, but you know sometimes unprecedented is a good thing. It means you are showing courage.

And I know that other comments were made about sort of you enforcing unscientific agendas being prioritized by this Administration. So, I just want to know, do you believe in science?

Ms. MALLORY. Yes, Congresswoman, I believe in science. I think that is fundamentally what we are trying to enforce.

Ms. KAMLAGER-DOVE. Yes. And I also think that it is OK to have legions of advocates who consider themselves eco-justice advocates, because I think our environment actually deserves advocates fighting on its behalf.

There are some other things that were also stated in the Committee that I am going to have to come back to, but I am modulating my innards to make sure that I say things that are allowed to be kept into the record.

So, Chair Mallory, can you just please highlight some of the specific investments that have been made so far and how they are making a positive impact?

Ms. MALLORY. Thank you so much, Congresswoman. One of things I mentioned earlier that this Administration is very focused on ensuring that the environmental protection ecosystem that has been created in this country is one that benefits all Americans, all communities.

Some of the key investments, both from the Bipartisan Infrastructure Law and the Inflation Reduction Act, include addressing legacy pollution; making sure that there is additional money to clean up superfund sites; dealing with lead in pipes, which is an area in which the President has committed to removing all lead service pipes across the country, because we know how toxic that is; addressing school buses, that electric school buses are now something that we have invested in.

I was just in a community last week in which they were so excited because they are getting 28 new electric school buses and they talk not only about the pollution benefits, but also what that meant, in terms of employment in the area, because it was a school that is focused on jobs and also on making sure that they are able to reduce their costs associated with maintenance.

We also know that we are doing work on air monitoring. There are 132 air monitoring grants that have been issued across the country that allow for communities to be able to test what is in their air and whether or not be able to start the process of addressing what needs to happen in order to make their health better.

So, a whole range of things that have gone toward legacy pollution, but are also going toward the energy economy of the future. Making sure that we have the kind of improvements in communities all across the country, in terms of climate change and reducing pollution.

Ms. KAMLAGER-DOVE. Thank you. I wish I had time to ask you another question, but I don't. I just want to say, I applaud the work that you are doing. I think we do need to be talking about health and the environment of people living in communities across the country and also the health of our environment.

And also recognize that there have been historical inequities and injustices across this country where certain communities have higher levels of toxicity and there are greater pollutants, and in other communities, there are not.

And we have to just say it. We have to continue to say it and we have to speak to it and we also have to pass legislation and talk about policy to create equities in those spaces where there are grave disparities.

And I hope no one thinks otherwise. Thank you, Mr. Chair, and I yield back.

The CHAIRMAN. The gentlelady's time has expired. The Chair now recognizes the gentlelady from Wyoming, Ms. Hageman for 5 minutes.

Ms. HAGEMAN. Thank you, Mr. Chairman. And it is wonderful to be here. Under this Administration, we have seen a drastic transition in the CEQ's role. The agency has become heavily politicized, transforming its role from overseeing NEPA compliance issues to waging war against domestic energy production.

As the sole Representative of the state of Wyoming, a state whose economy lives and dies on energy production and agriculture, I represent the voices of the millions of people who suffer economically at the hands of Washington bureaucrats who seek to expand their regulatory role through radical social agendas.

We have seen you, Chairwoman Mallory, prioritize so-called environmental justice rather than focusing on environmental resilience, as the agency supports policies that encouraged increased neglect rather than management.

Ironically, we are seeing injustice directed toward vulnerable communities in the name of environmentalism. We are seeing vulnerable citizens struggle to pay their bills due to high energy costs, all while the current Administration perpetuates leasing moratoriums on Federal lands, stifles American energy production, and increases our dependence on imports.

We are seeing Federal agencies continue to release proposed rules that lock us out of lands, hurting not only our energy producers, but our agricultural practices and creating greater uncertainty for the small family farm, while also furthering a housing shortage.

The common theme of this Administration's energy policy has been an attack on low-income communities, the very people you claim to be protecting. So, my question is, do you believe that it is environmental justice to adopt and enforce policies that increase the cost of housing, food, and energy?

Ms. MALLORY. Thank you, Congresswoman, for that question. I believe that the work that we are doing is focused on a transition to a clean energy economy that will benefit all communities.

Ms. HAGEMAN. So, in other words, environmental justice has nothing to do with making sure that folks are able to access affordable housing, food, and energy. Is that what your testimony is?

Ms. MALLORY. Environmental justice has everything to do with making sure that all communities have the benefits of clean air, clean water, and safe environments.

Ms. HAGEMAN. Chairman Mallory, but you do adopt policies that increase the cost of food, housing, and energy. Wouldn't you agree

that such policies disproportionately impact low-income communities?

Ms. MALLORY. Congresswoman, I agree that low-income communities are disproportionately impacted by all of the problems in our society, which is why we are trying to focus on those communities.

Ms. HAGEMAN. Including policies that increase the cost of food, housing, and energy, correct?

Ms. MALLORY. Congresswoman, I think that all policies we are working toward are making sure that the costs are reduced. That is what the President's economic agenda—

Ms. HAGEMAN. But that isn't what you are doing. That isn't your agenda. Your agenda actually increases the cost of housing, food, and energy. We know that for a fact.

Ms. MALLORY. I think for a fact we know that the costs are coming down. That we are working toward that and they are coming down.

Ms. HAGEMAN. So, you are admitting the fact that they are increasing the cost of those—

Ms. MALLORY. I am not admitting anything.

Ms. HAGEMAN. But they are decreasing perhaps?

Ms. MALLORY. Congresswoman. No. I am not admitting anything. Thank you.

Ms. HAGEMAN. All right. Because this Administration has focused on environmental justice, whatever that means, rather than on lowering energy costs and strengthening the reliability of our energy grid, I will soon introduce the Energy Poverty Prevention and Accountability Act, which will highlight communities who are disproportionately impacted by policies that stifle affordable and reliable energy production.

This bill will require the GAO, OMB, and CBO to analyze the economic impacts of legislation and executive actions, such as moratoriums, proposed rules, and delays thus allowing for greater transparency and accountability for the policies that raise energy costs.

Chairwoman Mallory, if the GAO report shows that the policies coming from your agency disproportionately increase energy prices, thereby spreading energy poverty among vulnerable communities, will you rescind those policies?

Ms. MALLORY. Congresswoman, I am sure that the policies you are talking about are not coming from my agency, but we will certainly read anything from GAO and consider it.

Ms. HAGEMAN. OK. And you have highlighted the President's 30-by-30 Initiative with great pride in your testimony. I can tell you, coming from a state where 48 percent of the surface of our state is owned by the Feds, none of us are really celebrating the 30-by-30 Initiative because we know what it is intended to do to Wyoming.

Do you believe that taking someone's ability to generate revenue on their own property is good public policy?

Ms. MALLORY. Thank you, Congresswoman, that is not what America the Beautiful does. American the Beautiful is about dealing with land that is primarily owned by the Federal Government and working, in voluntary ways, with communities that want to be part of our system.

Ms. HAGEMAN. Have you read the report where it talks about imposing policies on state and private land?

Ms. MALLORY. I have read the report and I know how it functions.

Ms. HAGEMAN. OK. Thank you. I yield back.

The CHAIRMAN. The gentlelady yields back. The Chair now recognizes the gentlelady from New Mexico, Ms. Stansbury, for 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman, and good morning, Chair Mallory. It is wonderful to have you with us here today. And it is wonderful to have the opportunity to talk about the role of CEQ.

I think a lot of Americans aren't aware that the White House has an environmental arm, and as we all know, the vast majority of Americans want clean water, clean air, and a climate resilient future.

So, we are especially grateful for the work that you do, helping to advise the President on environmental matters, helping to lead initiatives across the government on all the many environmental issues that our nation faces, and, of course, to implement the National Environmental Policy Act.

And I think it is important to note, since we have been talking a little bit about the history of NEPA here today, that when NEPA was passed by this body in 1969, it was passed on a bipartisan basis and signed into law by a Republican president, President Nixon. And, in fact, NEPA has been the foundational environmental policy on which our nation has built its environmental laws for the last 50 years.

And Americans can thank NEPA, the Clean Water Act, and the Clean Air Act for the fact that we don't have rivers on fire anymore and that our children are not being poisoned by refineries and things like that on the scale that they were over 50 years ago.

So, very grateful for your work. We have had a little bit of discussion here today about environmental justice. I am always surprised by the coded language I hear. Because really environmental justice is about ensuring that every single American, no matter what your ethnicity, what your residency, what your history is in a community, that your fundamental human right to drink clean water, to breathe clean air, to have a survivable and livable future is protected.

And I have to say that never, in the history of this country, have we seen an Administration, except for perhaps the Obama administration, more dedicated to environmental justice and that promise to extend the rights of a clean environment to every single human in this country and across the planet, to be a global leader in doing that.

So, I wonder, Ms. Mallory, if you could speak to some of the policy initiatives. I know you talk a lot about it in your written testimony, but we haven't gotten to hear more about it today, about the Executive Order, the tools CEQ is helping to develop the Justice40 Initiative, and the ways in which this got baked into the Bipartisan Infrastructure Law and the IRA to help our communities access resources.

Ms. MALLORY. Thank you so much for the question. And you did frame exactly the way that we are thinking about environmental justice, and what it does, and why it is important.

It is important because, although we have had this environmental infrastructure for the entire 50 plus years, we know that not all communities have benefited from that.

So, we are trying to, in an intentional way, make sure that communities do have these benefits. The various Executive Orders that the President has put in place are designed to make sure that we are hearing from communities.

We created the White House Environmental Advisory Council so that there are external experts who are giving us information on how we can improve our programs. We have also, in the Executive Order that the President just issued, made it clear that we want to look at some of the gaps in science that show the impacts, the cumulative impacts in particular, that are affecting certain communities and how we can be adjusting what we do to reduce that harm.

The Executive Order also says that if the Federal Government is responsible for a toxic release in a community, that they tell everyone. We have a history of not telling everyone. That we somehow tell the wealthier members of a community, but we don't tell the low-income members of the community.

So, we want to make sure that the Federal Government does our part in ensuring that that is not true. It creates an environmental justice office, which we believe is really important for managing and helping to implement environmental justice across the Federal Government.

And that office will have the responsibility for helping to create the strategic plans that the agencies will do as they look at their own footprint and how they can improve the environmental justice for communities.

So, a range of things there, but the fundamental basis is all communities deserve to be protected in this country. They all deserve clean air. They all deserve clean water. And they deserve to know that their government is doing the job to protect them.

Ms. STANSBURY. Absolutely. And I represent New Mexico's 1st Congressional District. I know the Ranking Member represents a district in Southern Arizona, and my dear friend here to my left, represents all of Alaska, actually, and I think it is fair to say that all of us have communities that have suffered the disproportionate impacts of industrial and resource development without proper notification, consent, and support for cleanup, as well as the impacts of development without their benefits from those activities.

But I think the other aspect of this is the consistent underinvestment, especially in our rural and tribal communities. So, the initiatives that the Administration is leading to make sure that 40 percent of our Federal resources on the environment get to those communities that have been historically underinvested in is particularly essential to the future of our communities.

We thank you for your leadership on that, as I have said. I have never seen an administration, except for the Obama administration, take these issues so seriously and it really matters for many, many millions of Americans. So, thank you.

The CHAIRMAN. The Chair now recognizes the gentleman from Guam, Mr. Moylan for 5 minutes.

Mr. MOYLAN. Thank you, Mr. Chairman. Chair Mallory, I represent the island of Guam. It is way out there in the Pacific. It is a long way from the United States. In fact, it takes us 20 hours just to get there.

So, you can imagine the cost of the resources we must pay for our residents and for our military buildup, what it costs to live on our island of Guam.

Just recently, we had the Super Typhoon Mawar come through, and now we are rebuilding our island community and we are rebuilding our military there too. So, Chair Mallory, our environmental policies can have an outsized impact on my island community.

On one hand, I introduced H.R. 1191 to begin dealing with the harm done to my island and our nation's veterans by Agent Orange. Now, on the other hand, burdensome requirements for environmental impact statements can hinder military readiness and artificially hinder the business community, as well as trying to rebuild our island from this Super Typhoon Mawar.

This can suffocate our economy and put my constituents at risk in time of war. Does your office take a holistic view of community needs, or do you only look at the community needs from the narrow viewpoint of environmental protection at the expense of other interests?

Ms. MALLORY. Thank you, Congressman, for that question. I really appreciate it. I had the chance, just recently, when I was in Hawaii to meet with Representatives from all the territories and heard kind of first hand some of the unique ways in which the territories actually experience some of these processes.

I can say, the way that the National Environmental Policy Act is structured, it calls on decision makers to look at the integration of environmental and social issues and how that can, in fact, impact communities. So, I think this is part of the overall process.

Mr. MOYLAN. OK. Thank you. But, again, our cost of living on the island is very high. To build our military, to build our island, the cost of tools, resources, what we need is extremely high. These decisions made by this agency have significantly increased the cost of our housing, our food, and our energy as well.

It is a great concern for me, but I really would affirm my belief that a holistic view of community needs should be considered, which includes environmental protection, but does not impair military readiness, which is crucial right now. INDOPACOM is crucial or has the impact on our small or mid-size businesses. So, can you commit to working with me to address these issues facing Guam while working from this viewpoint?

Ms. MALLORY. Thank you, Congressman, for that. What I can say to you is that all of the work that the Administration has been doing, some by the Administration itself and some on a bipartisan basis, is designed to make sure that our environmental review process is as effective and efficient as possible.

I think, as I said, I have heard that there are even more unique issues that the territories face and that Guam, in particular, may

be an example, and I am happy to hear more about that and to talk to you about what opportunities exist.

Mr. MOYLAN. I am really willing to sit down and work with you closely. Likewise, our sister territory, American Samoa, we have some important issues, especially now with our national defense situation, with IndoPacific happening, we don't want to let our nation down.

And I think these impacts have to be addressed, American Samoa, myself, CNMI, as well, because without making some necessary changes, I don't want to be in that position to report that back to my community.

We have a responsibility to do, and while this Administration is in place, I want to make sure we have this communication going.

Thank you, Mr. Chair. I yield back.

The CHAIRMAN. The gentleman yields back. The Chair now recognizes the gentlelady from Alaska, Ms. Peltola for 5 minutes.

Ms. PELTOLA. Thank you, Mr. Chairman. Welcome, Chair Mallory. I represent the entire state of Alaska and we also live and die by petroleum extraction, fishing, and tourism. Most of our income for the state comes from oil royalties, but as rate payers and consumers, we are also paying some of the highest prices for electricity, gas, and stove oil in the nation.

I was surprised, I guess not surprised, I noticed again yesterday there was a report that came out talking about the state with the highest prices for gas, and it said California is no longer the highest price, it is Washington State. I beg to differ because I come from a state where some our communities are paying as much as \$15 or more for gasoline and almost \$10 a gallon for stove oil.

Electricity is very high. I am very pro-electricity. During the time when I was growing up, there were many times in most summers when we didn't have electricity, so I really understand what a luxury electricity is. But in my community, the average electric bill per month is about \$260 per month. And one of the highest kilowatt per hour communities we have is a neighboring village to my community, and they are paying \$396.16 as an average for electricity.

Akutan, out on the Aleutian Island, their average is \$405 a month for electricity. These are exorbitantly high prices in communities with very high unemployment rates. So, we have to really kind of be in a space of trying to balance oil production and electric energy consumption with recognizing the impact that it has on the world.

And I will say, there have been statements about the Willow Project, that it is a carbon bomb and I suggest that most Members of Congress live in districts that are a carbon bomb. Much, much greater than the district I represent.

I take a lot of umbrage with being singled out for having these projects that are really, so much of the product of those projects is going to fuel these highly populated house districts where their energy consumption is very, very high.

So, I just recognize that it is going to take us a long time, much longer than I think most people recognize, to transition off of petroleum and using more renewable projects to get our energy, and I feel that most people don't know that it takes just as long and it

is just as cumbersome to go through the NEPA process if you are permitting a renewable project versus the same amount of time for a petroleum project.

And I know that in the budget negotiation we just came out of for the debt ceiling, there were advances made in streamlining the NEPA process and recognizing we need to beef up our transmission systems, and that is great. It is a step in the right direction, but it is baby steps.

And I was wondering if you could talk broadly about how can we be more real, and realistic, and honest about that transition and the evolution we are going to have to be involved in to get there, to more renewables and permitting those in a more timely way?

Ms. MALLORY. Thank you, Congresswoman, for that question. As I have mentioned today, I think that the Administration, from Day 1, has been very focused on making sure that our permitting system functions in an effective and efficient way. That is a combination of making sure that we are meeting the environmental requirements, but also doing it in ways that are smart.

And one of the biggest helps that we received in this front is the billion dollars that came in the Inflation Reduction Act for resources.

One of the things that people underestimate is what you need in order to actually have the staff capacity and the resources in order to do the permitting that is necessary. And that has been a very big and important role.

What we also did, in addition to the Fiscal Responsibility Act, to those changes, we have also had a Permitting Action Plan in place for over a year that is designed to really effectively help with the coordination across the Federal Government, to make sure that all of the agencies are lining up their processes in ways that kind of facilitate those things occurring in the most timely and efficient way while occurring.

We have also been working to create the sector specific approaches to looking at what are some of the hurdles that people are needing in the process and how do we address those. Because just saying that it is going to be faster without actually looking effectively at what are the things that you really need to adjust to make that work is not going to be enough.

So, we have already been in that work. Some of the work that we are doing right now in CEQ is making sure that we have a kind of a training approach with our agency so that they are able to have the right people with the right skillset in order to address these.

And then one of the things in the Fiscal Responsibility Act which aligns with work that we are already doing is a recognition that we can take better advantage of technology so that the mechanics of the process can be done in a more coordinated way.

So, I think we, from a lot of different directions, have been very focused on how we make this work as effectively as possible.

The CHAIRMAN. The gentlelady's time has expired. The Chair now recognizes the gentleman from California, Mr. LaMalfa for 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman.

Chairwoman Mallory, you stated in testimony that the agency response for implementing NEPA, CEQ also works to ensure that environmental reviews for infrastructure projects and Federal projects are effective and efficient.

The frustration of me and many of my Committee members with NEPA will show you that it is anything but efficient. And whether we are talking, as my colleague was saying a moment ago, gas and oil projects or renewable projects and it would seem like when the renewable projects go in everybody should be celebrating over that. And they run into the same hurdles.

So, what is the Agency's definition of efficient these days?

Ms. MALLORY. Thank you, Congressman. And as I keep saying, we are working on putting these mechanisms in place and we know that there have already been changes and improvements in the timelines on projects since this Administration has been in effect, because we are focused on, at the very highest level of the agency, making sure that we are engaged on this.

Several projects that have been identified to me that range from solar projects to coastal resilience projects all are showing progress on our completion of environmental impact statements at record time frames that we think are attributable to the fact that there is earlier engagement, there is earlier coordination with the agencies, there is a regular mechanism for the agencies, all of those that are involved, to work together.

So, we are seeing progress, but we are still working.

Mr. LAMALFA. Let me jump to the next question, please. In the FAST Act, which became law in 2015, we had what was called NEPA Substitution, which allows projects that require assessments to forgo overlapping requirements, the type of coordination I think you are talking about.

In this case between state and Federal assessments that provide states environmental standards that are stronger than or equivalent to the Federal NEPA standards, such as California, which has stronger standards in about everything.

This fix though was never realized as additional work was needed to implement it somehow. This is again 2015, about 8 years ago.

As we already allow for NEPA delegations, there is not an easy and obvious next step in improving efficiency that you are seeking there? Removing redundancy? If we have a stronger level at the state and they are doing the work, why wouldn't we have this ability to speed up on the overlapping requirements and assessments?

Ms. MALLORY. The NEPA already allows and we definitely take advantage of the situations in which there is material or information that has been created at a state level that it becomes part of the process.

That is something that exists and has existed and that we are looking for opportunities to improve.

Mr. LAMALFA. OK. Appreciate it. Categorical exclusions seem to me a stronger and more important tool in order to get things accomplished, especially with forestry and fire danger from our overcrowded forests.

They have been able to give agencies an ability to speed things up to manage more effectively. So, what we find is that the many land managed agencies are relying upon categorical exclusions to get necessary work done.

So, if we have the existence of the CEs trying to work around the usual slowness of NEPA that we are constantly having to fix here, doesn't that point out that the CEs are doing the work and that the system is not working as intended under NEPA if we have to go to these so-called exclusions instead of what would be the main line of the law?

Ms. MALLORY. Categorical exclusions have been part of NEPA really from the beginning of the program and they are focused on areas in which there is not going to be a significant impact.

And we are using that tool. In fact, the FRA actually increases our flexibility in using categorical exclusions. We, in the agency, are looking at different ways in which we can take advantage of categorical exclusions where it is appropriate.

And that is something that we do think is something that is helping. And right now, in terms of the number of projects that are actually decided under categorical exclusions, it is 95 percent.

Mr. LAMALFA. Thank you. In my remaining time, I need to ask one more question on when you see projects, such as the Klamath project, tearing out dams up in the Basin there, even though the whole Klamath project was set up to put agriculture in place. The Federal Government asked people to settle there and such.

Yet, at this point with that, they are saying the economic impacts, basically they are not even taking into account how that is harming the counties there, how it is harming the local industry with that.

At what point are economic impacts ever going to be brought back into play on decisions like this?

Ms. MALLORY. Congressman, I am not quite clear on what the decision is that you are talking about, but economic impacts are among the things that are part of the process.

Mr. LAMALFA. Has there ever been an activity that was stopped by your agency because of NEPA, because of economic impact, that did not go forward?

Ms. MALLORY. First of all, that is not the role that CEQ plays. We don't stop projects. I am not following exactly what you are trying to get at.

Mr. LAMALFA. Stopping an environmental action because of its high cost economically. The economics of an environmental action, has that ever actually paused by any aspect of your organization to say, oh, the economic costs are too high for the benefit derived?

Ms. MALLORY. I see. Economic considerations are part of the NEPA process that agencies run.

Mr. LAMALFA. OK. I am out of time. Mr. Chairman, thank you. I yield back.

The CHAIRMAN. The gentleman's time has expired. The Chair now recognizes the gentlelady from Oregon, Ms. Hoyle for 5 minutes.

Ms. HOYLE. Thank you. I yield my time to Mr. Grijalva.

Mr. GRIJALVA. I thank the gentlelady for the time. Madame Chair, one of the discussions that was addressed to a great extent

in the Executive Order on Environmental Justice for All, impacts some of the work you do and is a subject that is very much contested.

It is a subject of cumulative impact and cumulative effect. How do you see that issue going forward, as we deal with these issues and as frontline communities and others deal with this issue of that cumulative impact? It is not just an isolated permitted industry; it is others that are also part of that?

Ms. MALLORY. Thank you so much, Congressman, for the question. Cumulative impacts have been a central part of NEPA since the first regulations were put in place. We look at the direct, indirect, and cumulative impacts.

And what cumulative impacts means is that you acknowledge that when you are looking at a project, that if there are already other air impacts occurring in the same area that you can't act as if they don't exist. That is what cumulative impacts means because the way that it is going to be received by the community is they are going to have the impact of the new project, but they are already experiencing the health disparities or health problems from what is already there.

And that is very much a part of the NEPA process and has been, and I think will be heightened through the Executive Order.

Mr. GRIJALVA. Yes. And let me follow previous questions to you and conversation having to do with kind of the Catch-22 for poor people and for frontline communities. The Catch-22 being in order for you to have more investment and more resources into your community and you won't have to pay more for gasoline, and you won't have to pay more for gas, there is a trade-off. The trade-off is that you have to adjust to more bad air and the disparities that come with that.

And that is historic. That is factual. And that has happened consistently and that is the legacy that, I think, with the Executive Order and the work that the CEQ is doing now with all the agencies, is to address that.

But let me talk about economic impacts, because that is what the question alluded to in that Catch-22 choice provided to 40 million Americans in this country.

Economic impacts. The transition that we are talking about 2030, 2050, the need to move away from where we are at, in terms of what we consume as our primary energy and fuel. Away from fossil fuels and a transition to clean and renewable.

That transition can happen a variety of ways and let's talk about economic impact. If we continue not to deal with this issue and not approach it pragmatically and with a plan, and that we continue to do what we are doing right now with the Majority in this House, is to once again prop up fossil fuel industry, as that is the solution to our economy and everything else.

Or the transition can be abrupt and very, very brutal because it will be upon us and then we won't have a choice. Talk about economic impact in those two scenarios. The pragmatism of transitioning, versus the abruptness that we will deal with if we don't do anything about addressing the crisis as we go along?

Ms. MALLORY. Thank you for that question, Congressman. I think if you just watch the news and the weather every day. Every

day we are seeing increases in extreme weather events occurring all over the country. Yesterday, it was tornados in Texas, days before it was similar problems.

So, we know we have a problem that we need to address, which is why the Administration and the President is very much focused on ensuring that we are creating this clean energy economy that is necessary.

We do have to transition to it. It is not going to happen overnight. It is important that we put those things in place, but the beginning of your question was about how we know that poor people, low-income people, people who are living right on the edges of some of the areas that are most impacted by climate change do suffer more and they suffer more often.

So, they are definitely part of our focus, but it is a much broader need for us to address the climate change impacts that are occurring.

Mr. GRIJALVA. I yield back.

The CHAIRMAN. The gentleman yields back. The gentlelady's time has expired. The Chair now recognizes the gentlelady from Florida, Ms. Luna, for 5 minutes.

Ms. LUNA. The Council on Environmental Quality, CEQ was created to oversee agency compliance with NEPA. Like most government offices, the CEQ has expanded its mission beyond the scope of what it was originally intended to do by working to implement radical social change and ecojustice and I quote, "initiatives."

This has been seen time and time again since Biden first took office by issuing many Executive Orders, which President Biden's rule by fiat approach has charged CEQ with ensuring that the radical social change and ecojustice initiatives being pushed by far-left environmentalists become a reality regardless of the negative impact that these decisions will have on Americans across the country.

Like all Americans, I believe in protecting our environment, however, environmental protection does not necessarily have to come at the cost of livelihoods of American families through countless Executive Orders that have done literally nothing to help those people and actually nothing to protect our environment.

The Justice40 Initiative was created by Executive Order 14008 to direct 40 percent of certain Federal investments to disadvantaged communities, which are not even properly defined.

In fact, all Federal agencies must identify programs that fall under the Justice40 Initiative and implement reforms to those programs.

Ms. Mallory, would you be able to define what a disadvantaged community is for me?

Ms. MALLORY. Thank you, Congresswoman, for that question. The way that we define it is using our climate and economic justice screening tool, which is a mapping tool that actually looks at various criteria related to the burdens that a community has experienced and the socioeconomic level.

When you look at the map, it will show you the communities that we think are disadvantaged and most in need of impact.

Ms. LUNA. What are typically those communities? What do they typically look like on average?

Ms. MALLORY. Those communities are actually spread all across the country. They are in urban areas, they are in rural areas, they are in every state. That is the way that the map is set up.

Ms. LUNA. OK. How can CEQ then, which chairs its initiative, direct Federal agencies to implement these changes when you guys don't actually properly define what constitutes a disadvantaged community?

Ms. MALLORY. As I said, the map defines what a disadvantaged community is and what the agencies do is then look at their own programs that are under the Justice40 Initiative and see how they can impact them.

Ms. LUNA. So, it is open to interpretation? Based on the data?

Ms. MALLORY. The map is not open to interpretation. It is a map.

Ms. LUNA. No, I am saying the agency, when they implement policy, it is open to their interpretation based on the data that they are given, correct? Under Justice40?

Ms. MALLORY. The agencies are using the specific programs that are identified under Justice40 to apply it to those circumstances.

Ms. LUNA. With the map?

Ms. MALLORY. With the map.

Ms. LUNA. With the term that is not defined.

Ms. MALLORY. The map is the definition.

Ms. LUNA. Got it. My next question would be: We saw recently that President Biden wants to build an 8,000-mile train that stretches across the Pacific and Indian Oceans, and my question for you is how are you going to preserve our oceans and protect endangered species when he wants to build this?

Ms. MALLORY. I am not really familiar with what you are talking about, Congresswoman. A train?

Ms. LUNA. Oh, you didn't hear that? Did anyone hear that? The Biden 8,000-mile rail that stretches across the Pacific and Indian Oceans?

Mr. TIFFANY. I think he announced it this week.

Ms. LUNA. Yes, he announced it this week. I just wanted to see what your perspective would be on protecting marine life with that.

Ms. MALLORY. I can't comment on that. I'm sorry, I don't have any details.

Ms. LUNA. OK. Do you know what resources it would take for this to actually be built?

Ms. MALLORY. I don't know anything about this project.

Ms. LUNA. OK. All right. Thank you very much.

Chairman, I yield my time.

The CHAIRMAN. The gentlelady yields back. The Chair now recognizes the gentlelady from New Mexico, Ms. Leger Fernández for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you, Chair Mallory, for joining us today.

I am from New Mexico, representing New Mexico, but also concerned with Latinos and communities who have been harmed by environmental injustice, so I am very grateful that the Administration actually set up very specific criteria to look at.

So, it is not subjective, in the sense like we are pulling it from air, but we are setting up very specific criteria that include what are the health outcomes for those communities that are impacted

by pollution, by the result of whether it be in New Mexico, coal mining, coal fire power plants, or uranium mining, exploding nuclear bombs in our state, which causes cancer.

We have very high levels of asthma because of the methane leaks. There is very concrete and observable harm that comes from some of these activities that you are now looking at. And I know New Mexico, sadly, has a lot of spots on your map.

But what I am also pleased about is that this is not just about what has gone wrong in the past, what are some of our historical injustices, but it is like what can we do about it? This is about looking for the solution, looking for the answer, and being optimistic about we can solve this if we pay attention to it. And that is what I am excited about. Because we are creating good jobs. We are creating investments.

And I want to talk about that a bit, but first I want to talk about the issue of referencing overall benefits going to these communities, rather than direct investments.

Because we know that direct investments actually trigger the benefits. So, how do you define and quantify benefits and how can we make sure that really does result in real results?

Ms. MALLORY. Thank you so much for that, Congresswoman. We are very much focused on how to get to a place where we have the kind of data that will help us assess what those overall benefits are.

Ultimately, what we are trying to, what we want to be measuring is does the air get better? Is the water quality better? Are those factors or burdens that are impacting the people's individual health, are those improving?

So, we have to have way to actually collect the data that will allow us to do that in the future. As a starting point, we are looking more at what are the ways in which the investments, both the direct and indirect, are helping a community that is on our map, whether that is by the creation of training programs or by the adding of the electric vehicles. Those are the kinds of things that we are sort of looking at, at this point.

Ms. LEGER FERNÁNDEZ. Yes, and I would really like lean in on how investments, because it doesn't happen without the investment.

Ms. MALLORY. Right.

Ms. LEGER FERNÁNDEZ. The same way your work and the work of NEPA doesn't happen without the investments we have made to make sure that there are the professionals on the ground who can do these reviews more quickly. And I think we need to realize that that has always been a problem and that finally, with the Inflation Reduction Act and with the others that Congress passed, the President signed into law, are finally giving you the tools, which is people power, to get this done.

I also would like to enter into the record an article titled "The Inflation Reduction Act Is Building a Clean Energy Economy and Good-Paying Jobs," as well as the American Clean Power, Clean Energy Investing in America, April 2022, which document a lot of the success we have had in generating private sector investment, which actually then leads to jobs.

The CHAIRMAN. Without objection.

[The information follows:]

The Inflation Reduction Act Is Building a Clean Energy Economy and Good-Paying Jobs

americanprogress.org, by Steve Bonitatibus

<https://www.americanprogress.org/article/the-inflation-reduction-act-is-building-a-clean-energy-economy-and-good-paying-jobs/#:~:text=The%20investments%20driven%20by%20the,cut%20household%20energy%20costs%2C%20and>

Thank you, Chair Johnson, Vice Chair Joyce, Ranking Member Tonko, and members of the subcommittee. I appreciate the opportunity to appear today to provide testimony on the Inflation Reduction Act's historic investments in American households and jobs aimed at accelerating the U.S. transition to a clean energy economy.

Last August, Congress built on the Infrastructure Investment and Jobs Act and the CHIPS and Science Act to enact the Inflation Reduction Act, which represents the largest investment in climate action in U.S. history. This legislation is projected to cut U.S. greenhouse gas emissions to 40 percent below peak levels by 2030, putting the United States on a path toward its Paris Agreement commitment of reaching 50-52 percent below 2005 levels by 2030. These are critical milestones in the effort to limit global warming to 1.5 degrees Celsius this century.

The groundbreaking legislation is already at work today, growing the economy by investing in the middle class: It connects good-paying jobs and apprenticeship programs to clean energy incentives; it builds supply chains and domestic manufacturing that will equip America to compete in the global clean energy economy for decades to come; it cleans up air pollution that is concentrated in low-income communities; and it cuts household energy costs in every region of the country.

The Inflation Reduction Act connects good-paying jobs and apprenticeship programs to clean energy incentives

The Inflation Reduction Act is not only expected to create at least 1.3 million new jobs by 2030; it has already created more than 142,000 clean energy jobs across the United States. These aren't just jobs of the future. These are high-quality, fair-wage jobs available right now. Importantly, the full value of the revised clean electricity tax credits is only available for project developers who pay prevailing wages and employ people in apprenticeship programs, expanding opportunities to family-supporting employment and ensuring that the clean energy economy will be built with good jobs.

The Inflation Reduction Act supports the build-out of secure supply chains and domestic manufacturing

The Inflation Reduction Act is a continuation of this administration's commitment to onshoring manufacturing and building resilient supply chains. For example, the clean energy investment tax incentives depend on increasing proportions of domestic content. There are investment programs for investments in new manufacturing in energy communities (Sec. 13501), advanced industrial facilities (Sec. 50161), automotive retooling (Sec. 50143), and more. The Inflation Reduction Act's advanced manufacturing tax incentives provide a long-term investment signal for critical mineral processing and battery production, and the structure of the Inflation Reduction Act's tax credits for electric vehicles depends on domestic assembly and domestic batteries.

The Biden administration is making investments in cities and towns across the country

Learn more about local projects happening in your community with the Biden administration Investment Tracker.

Since the passage of the Inflation Reduction Act, companies have announced \$242 billion in new clean power capital investments for at least 191 new clean energy projects in 41 states, as documented by Climate Power. For example:

- Places like Tucson, Arizona; Rochester, New York; and Florence County, South Carolina, have plans for 65 new battery manufacturing sites.
- Savannah, Georgia, and Montgomery, Alabama, are among the cities with plans for 40 new or expanded electric vehicle manufacturing facilities.
- Pensacola, Florida; Hutchinson, Kansas; and Georgetown, Texas, have plans for 34 expanded wind and solar manufacturing.

These investments in U.S. industry are necessary for competing on the advanced technologies that will power the new clean energy economy, and they will provide decades of job opportunities for communities across the country. Repealing the Inflation Reduction Act would pull the rug out from under recent investments that are already helping the United States to compete with China.

Inflation Reduction Act investments help clean up air pollution that is concentrated in low-income communities

Modeling from Energy Innovation shows that pollution reductions from the Inflation Reduction Act's clean energy investments would prevent up to 4,500 premature deaths and 119,000 asthma attacks annually by 2030. This translates to \$27-\$42 billion in avoided health damages in 2030 alone. Importantly, these pollution-related deaths will decline by an even greater percentage in low-income communities and communities of color, which are disproportionately burdened by environmental harm and pollutants.

Inflation Reduction Act investments cut household energy costs in every region of the country

Repealing the Inflation Reduction Act would raise household energy costs. The Inflation Reduction Act offers households up to \$28,500 in rebates and incentives to households that choose to install clean appliances in their homes and buy electric vehicles. For low-income households, these rebates can cover 100 percent of project costs, including installation costs.

Because running on electricity is generally more affordable and less volatile than fossil fuels, home electrification can save the average household up to \$1,800 according to Rewiring America; and switching to an electric vehicle can save the average driver up to \$2,600 according to Consumer Reports. Even families that don't take advantage of these programs will still save on their energy bills, as the investments in affordable clean energy and reduced fuel demand across the economy will lower the price of natural gas. These clean energy investments deliver more and more savings every year, which will be felt in every region of the country, ranging from 9 percent total energy cost savings in New England, to 12 percent in the Midwest, to up to 24 percent on the West Coast by the end of this decade.

Conclusion

Although the Inflation Reduction Act was passed with uniform partisan opposition, it brings benefits to all Americans. In fact, according to new reporting, two-thirds of recent utility-scale wind, solar, energy storage and electric vehicle manufacturing projects currently in advanced development are in Republican-led congressional districts. Republican-leaning states are estimated to receive an average of \$4,221 in Inflation Reduction Act investments per capita, compared with \$2,427 for Democratic-leaning states. The top 10 states with clean energy projects since the Inflation Reduction Act's passage that have been documented by Climate Power are Arizona, California, Georgia, Michigan, New York, North Carolina, Ohio, South Carolina, Tennessee, and Texas—a wide cross-section of the country.

The investments driven by the Inflation Reduction Act, together with the Infrastructure Investment and Jobs Act and the CHIPS and Science Act, are building a clean energy economy that will create good-paying middle-class jobs, make the United States competitive in the global economy, cut household energy costs, and save lives.



Clean Energy Investing in America

April 2023



cleanpower.org

Overview

In the last eight months, over \$150 billion in domestic utility-scale clean energy investments have been announced.

This amount is equivalent to five years' worth of American clean energy investments, surpassing total investment into U.S. clean power projects commissioned between 2017 – 2021.

In the same period, 47 new utility-scale clean energy manufacturing facilities were announced, bringing an expected 18,000+ new American jobs. \$4.4 billion in savings were also announced for over 24 million customers served by utilities building out more clean power.

It's clear that clean energy has begun to transform the makeup of American manufacturing and investment.

Since new federal clean energy incentives were passed in August 2022, signs of rapid growth for maturing American clean energy industries are emerging. U.S. wind manufacturing plants that closed in recent years are bringing back workers. Plans for an unprecedented amount of new solar, battery, and offshore wind plants are being drawn and developed. The U.S. is in a position to secure our energy independence and become a global leader in the buildout of clean energy.

The new incentives offer companies significant opportunity to invest in new utility-scale wind, solar, and storage projects and manufacturing facilities, while passing on savings to American consumers.

However, to realize this clean energy future and ensure the full potential of these projects, ACP urges the Administration and Congress to continue improving trade policies, supporting next-generation technologies, finalizing effective tax implementation and working to enact commonsense permitting reform.

If completed, these investments and projects will strengthen our energy independence, improve air quality, support one million American clean energy jobs, and put us on track to produce enough affordable domestic clean electricity to power the equivalent of every American home by 2030.

This report provides an overview of the investments into projects and facilities, jobs, and savings associated with announcements made between August 16, 2022 and March 31, 2023.



Since August 16, 2022...

47 new clean energy manufacturing facilities (or facility expansions) have been announced:

- + 27 solar manufacturing facilities
- + 10 utility-scale battery storage manufacturing facilities
- + 8 wind power manufacturing facilities
- + 2 offshore wind power manufacturing facilities



Over \$150 billion of capital investment announced for clean energy projects and manufacturing facilities

96,000 MW of new clean energy capacity announced

\$4.4 billion
in savings announced
for over 24 million
utility customers

18,000 new
manufacturing jobs
associated with new
facility announcements

Photo credit: AES (bottom)

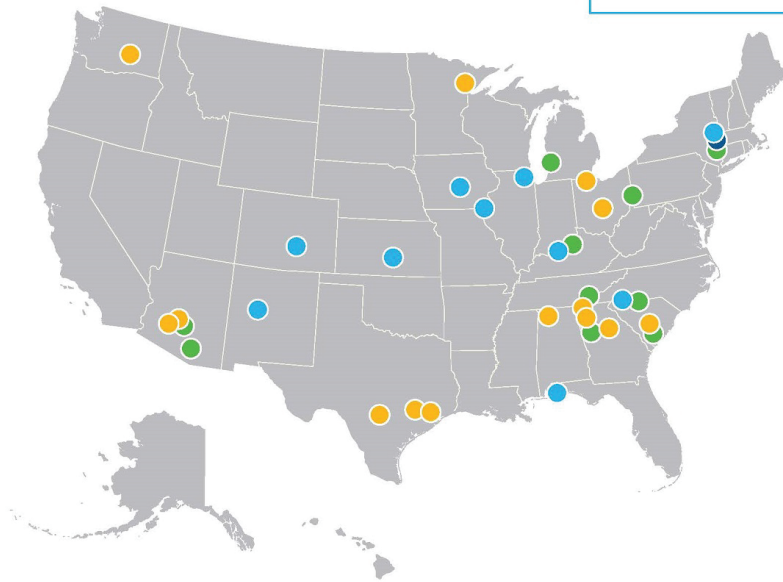
METHODOLOGY: The information in this analysis was collected from ACP members and public sources. The report contains announcements made following enactment of the Inflation Reduction Act on August 16, 2022 and March 31, 2023. Investments are calculated from announcements by utility and independent power producers. Capital investment amounts for planned capacity announcements, when not provided, are estimated using NREL ATB data.

Manufacturing Facilities

47 facilities announced since August 16, 2022.

47

New Facilities
(or facility expansions)
for utility-scale clean
energy announced




CLICK HERE
to open an Interactive Map

11 additional facilities have not yet announced locations.

Facilities without location information: PV Hardware (Solar), Enphase Energy (Solar), SolarEdge (Solar), Enel (Solar), Canadian Solar (Solar), CubicPV (Solar), GameChange Solar (Solar), Hanwha & LG Solutions (Storage), Linton Crystal Technologies (Solar), Trading Philadelphia (Solar), Mitrex (Solar). Locations are approximate.

Manufacturing Facilities


18,000 New Good-Paying Manufacturing Jobs

Technology	Company	Expected Online Date	Jobs	Note	State	Congressional District
 Energy Storage	Albemarle Corporation	4Q 2024	300	Albemarle expects the facility to annually produce approximately 50,000 metric tons of battery-grade lithium hydroxide from multiple sources (rock & recycled batteries), with the potential to expand up to 100,000 metric tons. Read more	SC	SC-05
	American Battery Factory	4Q 2024	1,000	The American Battery Factory would create 1,000 jobs once all phases of the project are completed. The facility would manufacture lithium-iron-phosphate battery cells for home and commercial energy-storage systems. Construction is expected to start in June with completion in late 2024. Factory will have a \$3.1 billion economic impact on the county over the next decade. Read more	AZ	TBD
	EnerVenue	4Q 2023	450	EnerVenue will open a 1 million square foot battery manufacturing facility in Shelby County. The facility is expected to begin operations by late 2023 and will produce the company's metal-hydrogen Energy Storage Vessels. EnerVenue is projected to have an annual production of 1 GWh and create 450 jobs in the region. Read more	KY	KY-04
	Form Energy	2024	750	Form Energy is an American energy storage technology and manufacturing company that is developing and commercializing an iron-air battery capable of storing electricity for 100 hours at system costs competitive with legacy power plants. The company expects to start construction of its Weirton factory in 2023 and begin manufacturing iron-air battery systems in 2024 for broad commercialization. Read more	WV	WV-1
	FREYR	2025	720	FREYR announced the development of the Giga America clean battery manufacturing facility based on the next-generation SemiSolid™ Lithium-Ion Battery Technology platform developed by 24M Technologies Inc. The facility will be developed in multiple phases beginning with an initial battery cell production module of approximately 34 GWh at a preliminarily estimated capital investment of \$1.7 billion. Read more	GA	GA-3
	Hanwha & LG Energy Solutions	TBD	TBD	Hanwha & LG aim to establish battery storage-specific manufacturing facilities in the U.S. They will develop energy storage system products for the commercial and industrial (C&I) and utility markets. Read more	TBD	TBD
	LG Energy	2026	TBD	LG Energy will invest about \$2.3 billion in a facility to manufacture lithium-iron phosphate pouch-type batteries (LFP) for energy-storage systems. Located in Queen Creek, AZ, the facility is expected to begin delivery in 2026 and is expected to have an annual output of 16 GWh. Read more	AZ	AZ-05
	Piedmont Lithium	2025	120	The TN Lithium project, located in Etowah, TN, has a planned production of 30,000 metric tons per year of lithium hydroxide. First production is targeted for 2025. Read more	TN	TN-3
	Pomega Energy Storage Technologies (Kontrolmatik Technologies)	2H 2024	575	Pomega Energy Storage Technologies broke ground on its Colleton County, SC facility in February. The facility will require a capital investment of \$279 million, create 575 new jobs, and is expected to begin production in mid-2024. The facility will manufacture lithium-ion battery cells, but will also produce the modules and other elements of the company's containerized energy storage solutions. Read more	SC	SC-6
	Zinc8 Energy Solutions	TBD	500	Zinc8 Energy Solutions makes a zinc-air battery that can store and discharge energy durations from 4 to 100 hours. The company's inaugural commercial production facility will be based in Ulster County in New York. Read more	NY	NY-19

Manufacturing Facilities (continued)

Technology	Company	Expected Online Date	Jobs	Note	State	Congressional District
 Offshore Wind	GE Vernova (GE)	TBD	220	GE Vernova, GE's portfolio of energy businesses, proposed building a state-of-the-art facility to build nacelles, which house the generating components of a wind turbine. This facility would create approximately 220 direct jobs, with approximately 35% of those jobs coming from disadvantaged communities. Read more	NY	NY-20
	LM Wind Power (GE)	TBD	650	Should GE receive sufficient order volume, LM Wind Power, a GE subsidiary, is ready to build a state-of-the-art facility to manufacture offshore wind turbine blades—creating approximately 650 direct jobs, with approximately 35% of those jobs coming from disadvantaged communities. Read more	NY	NY-20
	Siemens Gamesa	TBD	TBD	Siemens Gamesa intends to build a major offshore nacelle manufacturing facility at Port of Coeymans in New York, subject to the company's wind turbines being selected by the New York authorities in their third offshore wind solicitation. The facility will create approximately 420 direct jobs and represents a \$500 million investment in the region. Read more	NY	NY-20
 Solar	Adion Solar	2H 2023	NA	Adion Solar has purchased equipment from Italian assembly line manufacturer Ecoprogetti and expects to move into its new-build factory in late summer 2023. The factory will initially have a 500-MW annual capacity with the room to grow to 1 GW. Adion is planning on manufacturing a mix of mono- and bifacial solar panels, all focused on the commercial market and potentially the utility-scale market. Read more	GA	GA-10
	Alpha Steel (JV of FTC Solar & Taihua New Energy)	2H 2023	TBD	The Alpha Steel facility, a FTC Solar and Taihua New Energy joint venture, will produce steel components, including torque tubes, for utility-scale solar projects. Read more	TX	TX-10
	Canadian Solar	NA	NA	There is speculation that Canadian Solar is considering a solar manufacturing facility with up to 5 GW of annual capacity. Read more	TBD	TBD
	CubicPV	2025	1,500	CubicPV plans to start a 10-GW silicon wafer manufacturing facility in the U.S. The company expects the factory to create 1,500 new direct jobs. Read more	TBD	TBD
	Enel	2024	1,500	Enel has plans to construct a factory that would manufacture solar panels and solar cells. The factory could have an output of up to 6 GW in solar panels and could take an investment of over 1 billion. This is an attempt by Enel to build up the U.S. domestic solar supply chain. Read more	TBD	TBD
	Enphase Energy	2H 2023	NA	Enphase Energy has signed a letter of intent to procure power electronics for solar panels at three U.S. locations not yet named. The company plans to open four to six manufacturing lines for its microinverters by the second half of 2023, totaling up to 1 GW in capacity. Read more	TBD	TBD
	First Solar	2025	700	First Solar will build its fourth, fully vertically integrated domestic factory, with an annual capacity of 3.5 GWDC, in the U.S. Southeast. The facility will manufacture thin-film solar panels. Read more	AL	AL-4
	First Solar	TBD	850	First Solar is expanding the company's existing Northwest OH footprint to be expanded by 0.9 GWdc with a \$185 million upgrade. Read more	OH	TBD
	First Solar	1H 2023	TBD	In August 2021 First Solar broke ground on its third OH manufacturing facility. The facility was initially expected to have a capacity of 3.3 GWdc. In August 2022, First Solar announced plans to expand the manufacturing capacity of the facility to 3.5 GWdc. The facility is expected online in the first half of 2023. Read more	OH	TBD

Manufacturing Facilities (continued)

Technology	Company	Expected Online Date	Jobs	Note	State	Congressional District
 Solar (continued)	GameChange Solar	TBD	TBD	GameChange Solar, a fixed-tilt racking and tracker equipment manufacturer, is increasing domestic manufacturing capacity to 24 GW annual capacity. The company has both expanded existing facilities and established new factories, and reports that it now has manufacturing facilities in MI, OH, NY, NJ, LA, IN, IL, and KY. Read more	Multiple	TBD
	Hanwha Advanced Materials GA (HAGA)	June 1, 2024	160	HAGA will supply Qcells with encapsulant film ethyl vinyl acetate (EVA), which is the front "foil" on solar modules sandwiching the cells against the backsheet and front glass. The investment of \$147 million by HAGA is expected to create more than 160 full-time jobs, with production beginning in June 2024. Read more	GA	GA-11
	Hanwha Qcells	2024	2,500	Qcells will invest \$2.6 billion to expand its manufacturing capacity in the U.S., creating as many as 2,500 jobs in GA. The new facility in Cartersville, GA will begin production in 2024. The new factory will make solar panel components including silicon ingots, wafers and cells, as well as the modules themselves. Read more	GA	GA-11
	Hanwha Qcells	4Q 2023	TBD	Qcells will expand its existing solar panel assembly operations in Dalton by 2 GW a year to 5.1 GW as soon as 2023. Read more	GA	GA-14
	Helene	June 1, 2023	60	During the facility opening in October 2022, the company announced that Helene will spend \$7 million on updated equipment for the company's original 150 MW plant, doubling the capacity to 300 MW. They expect this to be done by July 2023. Read more	MN	MN-8
	Houwen Solar	TBD	200	Houwen Solar will lease a plant in Orangeburg, SC, which will "allow the company to develop, manufacture and sell one gigawatt crystalline silicon PV panels in the U.S." The company plans to make a \$33 million investment and bring in 200 new jobs. Read more	SC	SC-06
	Illuminate USA	4Q 2023	850	Illuminate USA, a joint venture between Invenenergy and Longi, will invest \$600 million in a 1.1 million square foot factory in Pataskala, OH. Construction will begin in 04/2023 and is set to be operational by the end of the year. Project will create 850 jobs and 150 construction jobs and can deliver up to 5 GW of solar module capacity. Read more	OH	OH-12
	JA Solar	4Q 2023	600	JA Solar will invest \$60.5 million in a 2 GW PV panel manufacturing facility in AZ. The factory is expected to start commercial operations in the fourth quarter of this year, creating 600 new jobs. Read more	AZ	TBD
	Linton Crystal Technologies	4Q 2023	75	Linton Crystal Technologies plans to manufacture semiconductor and solar manufacturing equipment in the U.S. Efforts are underway to secure a site to house the plant, which will produce furnaces for making silicon, as well as wire saws and solar manufacturing machinery, according to the release. The company expects to break ground on the facility in Q2 2023. Read more	TBD	TBD
	Meyer Burger	TBD	TBD	Meyer Burger is expanding a previously announced facility that had stalled. Initial annual production capacity is expected to be 400 MW by the end of 2022, with the potential to scale to 1.5 GW capacity in the future. Read more	AZ	AZ-09
	Mission Solar	2024	150	Mission Solar Energy will expand its manufacturing capacity in TX to 1 GW. The company currently operates a 200-MW annual capacity plant in San Antonio. Read more	TX	TBD
	Mitrex	1Q 2024	250	Mitrex is expected to announce the site of its planned U.S. solar panel facility soon. The facility will manufacture colored solar panels, BIPV cladding, and traditional panels. Facility will have an output of 2.5 GW annually and create 250 manufacturing jobs. Read more	TBD	TBD
	Nextracker	September 2022	TBD	In September 2022, Nextracker and BCI Steel began production at a new facility, manufacturing solar tracker equipment for large-scale solar power plants. The facility is located at the previously-abandoned Bethlehem Steel manufacturing factory. Read more	PA	PA-7

Manufacturing Facilities (continued)

Technology	Company	Expected Online Date	Jobs	Note	State	Congressional District
 Solar (continued)	PV Hardware	May 30, 2023	TBD	PV Hardware will open a 6 GW U.S. solar tracker manufacturing facility and expected to begin operations in 2023. Read more	TX	TBD
	REC Silicon & Mississippi Silicon	2023	TBD	In June 2022 REC Silicon announced it would re-start production at its idle Moses Lake facility, which was shut down in July 2019. In August, the company announced an MOU with Mississippi Silicon to expand production at its Moses Lake Facility. Read more	WA	WA-04
	Seraphim Energy Group (SEG)	1Q 2024	500	SEG Solar plans to set up a PV module manufacturing plant in Houston, TX with an anticipated annual capacity of more than 2 GW. The facility is expected to start construction at the end of 2022 and be fully operational by early 2024. Read more	TX	TBD
	SolarEdge	2023	NA	SolarEdge is aiming to establish U.S. manufacturing capability for inverters and optimizers in 2023. They are in active planning and site selection process. Read more	TBD	TBD
	Trading Philadelphia	2023	TBD	This module manufacturing facility will produce 400- and 530-watt mono-PERC solar modules for residential and utility-scale markets, with plans to move into heterojunction technology in 2025. Initially announced a 1 GW facility in July 2021, but in Nov 2022 announced a partnership with Translucent Energy and expanded the capacity to 1.2 GW. Read more	TBD	TBD
 Wind	Arcosa	3Q 2024	250	Arcosa will invest between \$55 and \$60 million to open a wind-tower production facility in Belen, NM. The announcement comes as the company has received \$750 million in wind-tower orders. The investment will help the company procure equipment as well as purchase and modify the existing facility on the site. The facility is expected to begin operations in mid-2024 and will create around 250 jobs in the area. Read more	NM	NM-02
	CS Wind	2024	850	CS Wind announced plans to expand its Pueblo, CO wind turbine tower manufacturing plant in September 2022. CS Wind would double its output to 10,000 turbine towers per year, creating at least 850 new jobs. The facility will be expanded in three phases, with the first to be completed in summer 2024. Read more	CO	CO-3
	Flender Corporation	TBD	50	Flender Corp. will expand its gearbox manufacturing facility in Elgin, IL. The expansion will create 50 new full-time jobs and retain 140 existing jobs. The facility has been in operation since 1976. Read more	IL	IL-08
	GE Vernova (GE)	TBD	TBD	GE is investing \$20 million in expanding nacelle manufacturing facilities in Pensacola, FL to expand production capacity and bring new products to market. Read more	FL	FL-01
	Nucor Steel	December 31, 2022	400	Nucor Steel broke ground on this facility back in October 2020, creating 400 jobs with a \$1.7 billion investment. In January 2023 Nucor introduced the Eleyon product for the offshore wind industry. Read more	KY	KY-02
	Siemens Gamesa	January 1, 2023	250	A recently shuttered wind turbine manufacturing plant will reopen in southeast Iowa. Read more	IA	IA-2
	Siemens Gamesa	April 31, 2023	TBD	The Siemens Gamesa nacelle facility in KS closed doors and went into "hibernation." At the time of its closing, more than 90 workers were employed at the Hutchinson facility. The facility is now reopening and expects to be ramping up production by April. Read more	KS	KS-01
	TPI Composites	2024	700	Facility closed in 2021 and cut 700 jobs, but thanks to the IRA, the facility is able to reopen. TPI Composites and GE announced a 10-year agreement to supply turbine blades. Production is expected to begin again in 2024. TPI hopes to restore staffing levels to around 700-800 staff. Read more	IA	IA-2

Consumer Saving

\$4.4 billion announced

CMS Energy Corp estimates \$60 million in consumer savings

"The extension of tax credits for both wind and solar provide economic certainty and lowers costs for our robust renewable backlog," said Garrick Rochow, CEO of Jackson, MI-based CMS Energy. CMS Energy estimated the new PTC will reduce solar deployment costs by 15%, compared to the original estimated cost of the deployment plan. The plan includes 8 GW of new solar development. [Read more](#)

Duke Energy Florida plans to decrease rates, saving customers \$56 million annually

As a result of the Inflation Reduction Act (IRA), there is an immediate impact to Duke Energy Florida involving changes to the production tax credits (PTCs) associated with solar investments. "We understand our customers need some relief, and this is an opportunity for Duke Energy to pass tax savings to our customers," said Duke Energy Florida State President Melissa Seixas. [Read more](#)



Florida Power & Light Company plans to refund customers nearly \$400 million

Florida Power & Light Company (FPL) will refund its 5.8 million customers nearly \$400 million in savings as a result of the PTC for the development of solar energy centers in the IRA. FPL is planning a one-time, \$25 million refund in the month of January 2023. Through 2025, the company plans to phase in nearly \$360 million in additional federal tax savings for future planned solar projects. [Read more](#)

WEC Energy Group projects customer savings of \$2 billion

WEC Energy Group added \$2.4 billion to its five-year capital plan, targeting nearly 3,300 MW in new renewable resources for regulated utility customers – including roughly 1,900 MW of solar, 720 MW of storage, and 670 MW of wind. Thanks to the IRA, WEC is projecting long-term customer savings of nearly \$2 billion. [Read more](#)

MidAmerican to deliver Wind PRIME at no net cost to customers

The Wind PRIME project will allow MidAmerican to deliver renewable energy that exceeds 100% of its Iowa customers' usage annually. The project will be delivered at no net cost to customers and has the potential to provide an immediate decrease in bills. [Read more](#)

Michigan utility switches to more renewables, saves customers \$500 million over two decades

DTE Energy remodeled its 20-year plan post IRA. "The IRA just makes the plan so much more affordable for our customers," said President and COO Trevor Lauer. "If you take the 20-year plan with the renewables, the IRA lowers the cost of the plan by about \$500 million." [Read more](#)

Offshore Wind energy price drops again from previous record

The Massachusetts Department of Public Utilities (DPU) approved amendments to the 2020 power purchase agreements (PPAs) for the Shell-Ocean Winds-owned Mayflower Wind that cut its rate from \$77.76/MWh to \$70.26/MWh, making it the lowest price of U.S. offshore wind to date. The rate reduction was made possible by the IRA, which allows developers to claim a 30% ITC for offshore wind projects. [Read more](#)

Xcel Energy to save customers over \$1.4 billion over next decade

Xcel Energy aims to save Minnesota customers over \$1.4 billion in costs over the next 10 years and accelerate the transition to clean energy through provisions in the federal IRA. Savings on projects in wind, solar, energy storage, electric vehicle chargers and more will help the company reach its goal of reducing carbon emissions from electricity 85% by 2030 in Minnesota.

Xcel Energy outlined how it intends to leverage new and extended tax credits and grant programs in the IRA to pass savings on to customers in a filing to the Minnesota Public Utilities Commission. The company estimates \$490 million in incremental savings for existing projects through 2027 and an estimated \$1 billion in additional savings for new projects through 2034 under the IRA. Many of the anticipated savings were made possible by the PUC's recent approval of the company's 2020-2034 Upper Midwest Energy Plan. [Read more](#)



Photo credit: AES

This report covers public announcements made between August 16, 2022 – March 31, 2023. ACP will release future versions of this report to reflect further project and investment announcements through 2023.

An updated version of this report was published on May 5, 2023 to include missing data.

American Clean Power is the voice of companies from across the clean power sector that are powering America's future, providing cost-effective solutions to the climate crisis while creating jobs, spurring massive investment in the U.S. economy and driving high-tech innovation across the nation. We are uniting the power of America's renewable energy industry to advance our shared goals and to transform the U.S. power grid to a low-cost, reliable, and renewable power system. Learn more about the benefits clean power brings to America at www.cleanpower.org.



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Ms. LEGER FERNÁNDEZ. I want to raise something that is an environmental injustice that is old, but is still lingering and we must deal with.

In New Mexico, as I mentioned, we actually exploded the very first atomic weapon. We have never compensated the individuals who received the brunt of the fallout, they are called downwinders and we need to do better by the downwinders who were part of our national security, but were victims of the need for the progress or the fact that we felt it necessary to enter into an atomic age.

And I would encourage CEQ, I don't know if they have taken a hard look at that and said, what can we do for these downwinders in New Mexico and in other parts of the country where we exploded above ground nuclear weapons.

Ms. MALLORY. Thank you, Congresswoman. I am not familiar with that, but I understand that that is an issue that you are asking us to collaborate on.

Ms. LEGER FERNÁNDEZ. Yes. Thank you. We look forward to that collaboration. And with that, Mr. Chair, I yield back.

The CHAIRMAN. The gentlelady's time has expired. The Chair now recognizes the gentleman from Oregon, Mr. Bentz, for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair. And thank you Chair Mallory for being here today.

I am going to focus on the Forest Snake River Dams in Washington State. We have a hearing on Monday, a field hearing regarding those facilities. And I am looking at the Council of Environmental Qualities request for information dated May 3 of this year.

And it reads, partially, "Through the stay agreement, the Federal Government committed to supporting development of a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels honoring the Federal commitments to Tribal Nations, delivering affordable and clean power, and meeting the many resilience needs of stakeholders across the region."

That is a general summary of the 2-page request. Would you say that the CEQ wants those four dams removed?

Ms. MALLORY. Thank you, Congressman, for that. I think that the way in which we framed that statement was to reflect that we understand that there are a broad range of issues and stakeholders who are engaged on this issue in the Pacific Northwest.

And I think what we were trying to do is to create a mechanism to hear from all of those stakeholders on what the issues are, as they see them, and how we need to think about helping the salmon at this point.

Mr. BENTZ. My question was, do you want the four dams removed? I haven't heard the answer.

Ms. MALLORY. Congressman, the Federal Government has not taken a position on that.

Mr. BENTZ. It hasn't and it does say, however, later, in securing the current stay of litigation, the Federal Government agreed to explore the lower Snake River Habitat restoration opportunities, "including but not limited to a mitigation corridor restoration through breaching the four lower Snake River dams."

Then it says, "which would require congressional authorization." Do you agree that it is going to require congressional authorization if any of those dams are to be removed?

Ms. MALLORY. Absolutely.

Mr. BENTZ. So, my question is posed to you in this fashion because Judge Simon in his previous opinions hints at perhaps entering orders that would moot the value of the dams through how they might be operated.

Are you saying that you would object to that as, it says Federal Government here, but I think it means CEQ. Would you take a—

Ms. MALLORY. Well, CEQ is not a party to the litigation. So, I am sure that it means Federal Government writ large—

Mr. BENTZ. OK. I am so happy you raised that. You are not a party to litigation, but you are participating in the mediation that is designed to somehow address the litigation, but you are not a party, are you?

Ms. MALLORY. We are not a party to the litigation.

Mr. BENTZ. But you are leading the mediation. It says so right here in your request for information. So, are you saying that you are not part of the litigation, but you are leading the mediation?

Ms. MALLORY. I am saying that the Federal Government, this is obviously a very complex issue that involves a number of agencies, and we are helping to coordinate.

Mr. BENTZ. OK. You are helping to coordinate. That is an interesting phrase.

Ms. MALLORY. Yes.

Mr. BENTZ. So, if you tell NMFS and NOAA how it is going to be, they are free to say, I am sorry, person from the President's office, we chose to ignore you. Is that what you are saying?

Ms. MALLORY. Well, I think NOAA has its own Federal mandate. And I think the way that coordination works in the Federal Government, everyone comes to the table and we have a conversation about how a particular approach will affect the Administration's overall goals. That is the way it works.

Mr. BENTZ. I am just drawing your attention to the third column on page 1 of the notice. In March 2022, CEQ Chair Brenda Mallory, Secretary Deb Holland, Secretary Jennifer Granholm, Secretary Michael Conner, Undersecretary Dr. Richard Spinrad published a blog post reflecting on what the tribes shared at the consultation.

You are listed as the first one on this list. I would suggest that must mean something?

Ms. MALLORY. Yes, and what it means is that CEQ is working with all of the Federal agencies on this very big and important topic about how do we address the loss of salmon in the Pacific Northwest and actually integrate that into the conversations, because there are so many other services that are relevant.

Mr. BENTZ. I would just say that in the second page of your notice, the one I read earlier, that there is no mention of the communities that would be harmed should the dams be removed, should the transportation be lost, should the farmers and all those that are trying to get their wheat out of the Northwest be damaged. There is not a hint about that kind of impact, is there?

But you are mentioning as though you are concerned about that.

Ms. MALLORY. That is what the request is for. It is actually a request for information for people who are affected who want to weigh in on this process.

Mr. BENTZ. So, why weren't those groups then invited to this group meeting you had in March 2022? I mean, you certainly invited everybody else, but not them?

What I am trying to get at here, there is a bias reflected here that suggests that those who are interested in protecting the

economy in the Northwest should be gravely concerned, and that, of course, is why we are having the hearing on Monday, so those folks will have an opportunity to be there and I know, I just left the room earlier, I am sorry to have to do that, to go out and have a conversation with the NOAA folks that will be there. And I am very happy for their participation.

I just have 18 seconds left. I would just say that I am discouraged by the fact that the EIS that was actually initiated during the Obama administration that found that those dams should stay in is being ignored, along with some of the science that I hope to hear about on Monday.

With that, Mr. Chair, I yield back.

The CHAIRMAN. The gentleman yields back. The Chair recognizes the gentleman from Wisconsin, Mr. Tiffany, for 5 minutes.

Mr. TIFFANY. Yes, thank you very much. I am going to follow up on that real quick.

In regards to coordination, doesn't coordination include local agencies, local governments? Doesn't that include counties, others like that when you coordinate? It is the establishment of rank equal not subordinate?

I am hearing from the gentleman from Oregon that it was just Federal agencies that were included in this meeting in March 2022, that is not truly coordination under Federal law, is it?

Ms. MALLORY. Thank you for that question. I think what CEQ does is it works with the Federal agencies and that is what we were doing. So, our coordination is generally with the Federal agencies.

The work in the communities that occurs is much broader than that for sure and the agencies lead on that.

Mr. TIFFANY. Mr. Chairman, I believe they are in jeopardy here. If you read Federal law closely, coordination is the establishment of rank equal, not subordinate, and that includes local units of government.

I would encourage my colleague from Oregon to go back, read this closely as it was written back in FLPMA and other founding documents in regards to environmental law and I would encourage him to go to his local units of government and demand coordination with Federal agencies, because they are supposed to do that.

Ms. Peltola had some really good questions and she referred to, some people call the Willow Project a carbon bomb, do you think it is a carbon bomb? The Willow Project up in Alaska?

Ms. MALLORY. That is not my characterization.

Mr. TIFFANY. OK. Ms. Peltola also said that it is going to take longer to transition away from hydrocarbons. Do you agree with her assessment?

Ms. MALLORY. Well, I am not quite sure what she meant on time frames. What I would say is that this Administration recognizes that we are needing to transition and that will take some time. That is clear in the way that the Administration has moved forward.

Mr. TIFFANY. How long will it take?

Ms. MALLORY. I don't think that there is a specific time. We have obviously set goals for trying to reach net zero that are at 2050,

and that includes a process that will allow us to get there with the transition necessary.

Mr. TIFFANY. You had an exchange with Mr. Graves earlier in regards to the congressional intent of the NEPA provisions in the FRA, which limits the scope of NEPA to environmental effects that are reasonably foreseeable.

You disagreed with him that those provisions limited the scope of NEPA reviews. Are you saying you do not plan to follow congressional intent where the scope is being narrowed?

Ms. MALLORY. I said to Mr. Graves, and I say to you again, we will follow the law. I was explaining to Mr. Graves that in the regulations that already exist, that that notion of foreseeability existed, but as the law is written, we are going to implement it exactly as it is defined.

Mr. TIFFANY. That is terrific. Because we are going to follow real closely as the Natural Resources Committee, in regards to that.

The Ranking Member talked a little bit about various issues, but you alluded to extreme weather events. Have you followed the hurricane data that we have had since the late 1800s and whether the intensity of hurricanes and the number of hurricanes has increased in the United States?

Ms. MALLORY. Well, I know what we have been tracking is the fact that we had, for decades, it was typical that you would have these extreme events that were on the order of seven or eight a year. And we have now reached a point, in the last 5 years, where we are having more like 18 different events that cost over \$1 billion.

So, there is an increase in the extreme weather events that are occurring that are costing the Federal Government over a billion dollars.

Mr. TIFFANY. I would encourage you and your staff to look at hurricane data, because it is actually more intense hurricanes prior to 1950 than it is currently. Many people suspect that is due to so many people having moved to coastal areas that did not previously. My wife's grandfather used to go to Fort Lauderdale in the early 1900s, before they even had a stop light in Fort Lauderdale. So, many people have moved to these hurricane-prone areas and that might be part of the reason that that is going on.

We have heard the doomsayers in regards to climate change. We had a Vice President who claimed in 2007, in 10 years man will be threatened and will not be able to inhabit Earth. That passed in 2017.

We are just celebrating the 5-year anniversary, 2 days ago, by the climate activist Ms. Thunberg, from Sweden, where she said, in 5 years the life on Earth is threatened and probably will end. That 5 years expired 2 days ago.

Do you subscribe to that kind of rhetoric that the world is about to end because of climate change?

Ms. MALLORY. I think what we are actually focused on is the scientific evidence that has been put out by numerous scientists, including the IPCC on the way in which climate change is progressing and that is what we are trying to address.

Mr. TIFFANY. So, as we move to intermittent sources of power, do you agree that we should continue to destroy productive

farmland, as is happening throughout America, including in my state of Wisconsin?

Ms. MALLORY. I think that there a number of different tools that are being used to address climate change across the country and it is important for us to weigh all of them.

Mr. TIFFANY. I yield back, Mr. Chair.

The CHAIRMAN. The gentleman yields back. The Chair now recognizes the gentleman from Georgia, Mr. Collins, for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. Chair Mallory, under a recently proposed rule, which your office was heavily involved in drafting, all major Federal contractors would have to disclose their greenhouse gas emissions and set emission reduction targets that must be validated and approved by an international non-governmental organization known as the Science-Based Target Initiative or SBTi.

In effect, you have outsourced government responsibilities to an outside foreign entity. SBTi has received criticism by some who argue that there is an inherent conflict of interest in both setting emission standards, while also charging customers a fee to validate their emissions reduction targets.

Why did CEQ decide to select SBTi as the sole source provider of emission reductions targets?

Ms. MALLORY. Thank you, Congressman, for that question. And that rule is part of the Administration's leading by example, by ensuring that our Federal Government and the——

Mr. COLLINS. I asked why did they decide to select SBTi as the sole source provider?

Ms. MALLORY. What I am saying is how we got to this point. The rule is designed to help make sure that we are implementing the climate goals across the Federal Government as well.

And that rule was picked to actually figure out a standard that could be used that would help to ensure that we are approaching the work and the climate work appropriately.

Mr. COLLINS. I am just trying to figure out why you decided to go with a foreign entity?

Ms. MALLORY. I think that the rulemaking is picking on an entity that is actually well known and has a standard.

Mr. COLLINS. So, was a competitive process used in selecting SBTi as the sole source provider of emission target validation? Was there a competitive process used?

Ms. MALLORY. This is a rulemaking process that is under discussion now. We are taking comments on it.

Mr. COLLINS. Let me ask you this. Were other agencies or non-profits considered?

Ms. MALLORY. It is a rulemaking process under discussion now.

Mr. COLLINS. Is that the only one that was considered?

Ms. MALLORY. I don't know the answer to that.

Mr. COLLINS. Goodness. Since SBTi is not U.S.-based, how will you ensure that they are not acting on behalf of a foreign power to negatively affect the United States?

Ms. MALLORY. I would say, Congressman, if you have comments along these lines, please submit them.

Mr. COLLINS. This is a question.

Ms. MALLORY. And I am saying, I don't have the answer to your question, but please submit the comment.

Mr. COLLINS. Goodness gracious. Why didn't CEQ select a U.S.-based non-profit to vet the emission standard set by contractors?

Ms. MALLORY. Congressman, I have no further comments on this rule.

Mr. COLLINS. All right. Well, let's shift gears a little bit then. Are you aware that a report by the New Climate Institute determined that several of SBTI's emission assessments were contentious or inaccurate?

Ms. MALLORY. I have no further comments on SBTI.

Mr. COLLINS. Are you also aware that one of SBTI's founders has accused them of having several conflicts of interests and of putting their own interests above the interests of the public?

Ms. MALLORY. I have no further comments on SBTI.

Mr. COLLINS. Thank you. Mr. Chair, I guess that I yield back the balance of my time then.

The CHAIRMAN. Would you like to yield your time to Mr. Graves?

Mr. COLLINS. Yes, sir. I would yield the rest to Mr. Graves.

Mr. GRAVES. Thank you, Mr. Collins. I appreciate the yield there.

Madame Chair, to say that I was a little bothered by your comments earlier would be a pretty significant understatement. I have already reached out to the White House about the negotiators that we worked with on negotiating the debt ceiling.

I am really confused. So, you are sitting here telling me that all of the rewrite of NEPA that we did, we effectively were just working to come into compliance with what you were already doing. Is that kind of what you just—

Ms. MALLORY. Congressman, that is not what I am saying. When you were asking a question about the standard and I was simply trying to explain that it was directionally picking up on a number of the things that we have as part of the practice that NEPA has been implementing for some time.

You used the specific language, reasonably foreseeable. Reasonably foreseeable is a standard that has been applied in NEPA for some time.

So, no, this was the first time that NEPA has actually been changed in statute, no question. That some of the provisions are new to NEPA, no question. And we are going to implement it.

Mr. GRAVES. Madame Chair, I specifically asked you if you saw that as a narrowing? We explicitly narrowed the scope of environmental review and put time limitations and caps on documentation and everything and you, effectively, said that you didn't see it that way.

Ms. MALLORY. I didn't see reasonably foreseeable as not narrowing.

Mr. GRAVES. I am wondering why we are even here? Why are we even here if you are just going to do whatever you want to do?

Ms. MALLORY. Congressman, I did not say that. I have said three or four times today that we are going to implement that statute as it was directed.

And all I am saying, that the words reasonably foreseeable are words that have been part of the NEPA program. They have been

part of the NEPA program. They are now in the statute. That is the change. They are in the statute.

Mr. GRAVES. I am out of time, but I can't wait to talk about this some more.

The CHAIRMAN. The gentleman's time has expired. The Chair now recognizes the gentleman from Texas, Mr. Hunt. You are recognized for 5 minutes.

Mr. HUNT. Thank you, Mr. Chairman. And thank you, ma'am, for being here. I really appreciate it.

A little bit about me. Born and raised in Houston, Texas, the entire energy corridor is in my district. If Houston is kind of loosely known as being the energy capital of the world, I kind of fancy myself as being an energy Congressman of the world, ma'am.

So, this is kind of my jam, this is kind of my bread and butter. This is something that I take very seriously because I think there are a lot of issues that we have seen in this Administration that doesn't necessarily approach this in a way that is the most beneficial for the American public and for the American people.

I think there is a bit of an ideological difference as well. I think that the people on this planet are the most important thing that we have. As somebody that has three small children, I have a 4-year-old daughter, I have a 2-year-old daughter, and I have 6-month-old little boy, nothing on this Earth is more important to me and nothing is more important to their lifestyle and what we do moving forward.

I spoke to an offshore oil company that operates in the Permian Basin and they explained to me that this month they had 122 overdue permits. And over the past 3 years, that is basically their pending time, 122.

And that is kind of problematic because we have seen a lot of energy, and oil, and gas crises that could have been mitigated, I feel like, and this cost and this price is being pushed down to the consumer.

FERC also approved the Rio Bravo Liquified Natural Gas Pipeline permit on April 20, 2023. This also took over 3 years, and it happened because many members on this Committee wrote numerous letters and badgered concerning it, and we finally got it done, and when it is fully operational, it is going to transport 4.5 BCF per day, which I think is very good.

The American public needs this because we are getting ready to get in our cars and go to Disneyland and drive all over the country and we need a break. The American public needs a break and we have to have these capabilities sooner than later.

My question to you, ma'am, is oil and gas important to the future of this country and to the future energy of this country?

Ms. MALLORY. Thank you, Congressman, for that question and I think, as you know, that the Administration is very focused on addressing the urgency of climate change, and recognizes, in doing that, that as we move toward what we believe to be a clean energy source that will reduce the carbons, that we are transitioning away from oil and gas.

So, yes, it is in the future, unquestionably in the future, but it is part of the transition and the change.

Mr. HUNT. Do you think climate change is a global issue?

Ms. MALLORY. Global issue, yes.

Mr. HUNT. You think it is global? OK. So, would you agree that the gains that we might make in reducing our carbon footprint in one region of the world, let's say the United States, juxtaposed to maybe the increase in our carbon footprint in let's say China, do you think that what happens in China would offset our gains here in this country?

Ms. MALLORY. I think, Congressman, I think that we are very focused and the President, in particular, is very focused on making sure that we are recognizing our own leadership role to manage what we do as we continue our negotiations with foreign entities about the approach that they are taking.

I think this country is very focused on the fact that China has some advantages to the United States in some of the areas that we work and that we are trying to position ourselves so that we can actually continue to have this country lead on areas that we think are important.

Mr. HUNT. So, I think we are leading. Right now, the United States is roughly 13.8 percent of the world's carbon and we have been declining for every single year of the past decade, with the exception of one.

But by the time we get done with this conversation, China is going to build another coal plant. They are increasing their refining capability while we are reducing ours in this country.

I understand the idea of wanting to look at this through rose-colored glasses and say, oh my gosh, yes, we are going to lead from the front, they will follow, but it is my humble opinion that China, India, for damn sure Russia, they don't care about climate.

Now, does that mean that we shouldn't do our job to get better, and cleaner, and safer? Of course, we should. I think it is actually kind of the American way, but as I stated earlier, there are literally hundreds of companies that are in my district, in the energy corridor, and I have visited almost all of them, and not a single energy oil and gas executive has said anything disparaging about renewable energies moving forward.

In fact, I am kind of sick and tired of hearing the word transition, because that is a lie to the American people. There is not a transition happening. It is addition. It is going to be a mix, and oil and gas, and energy are going to be a huge part of it and my concern is that we, as the Federal Government, should not be picking winners and losers if we are not going to consider the global implications of everyone else that doesn't care about the climate as much as we do, and we should be putting our children, and our future, and our economy ahead of anything else or else we are not going to be here in the future.

With that, I yield back my time. And thank you for being here, ma'am. Greatly appreciate it.

The CHAIRMAN. The gentleman's times expired. The Chair recognizes Mr. Magaziner for 5 minutes.

Mr. MAGAZINER. Thank you very much, Chair. And thank you, Chairman, for the recognition.

I just want to say, the important work of the Council on Environmental Quality cannot be overstated. And the attacks on the

Council are just another attempt, unfortunately, to put polluters over people.

The Council on Environmental Quality exists to protect children, seniors, and everyday people by ensuring that the air we breathe and the water we drink are safe.

Kids can only live happy and healthy lives if we keep dangerous chemicals out of the water and air. And the advances we have made since the passage of the National Environmental Policy Act, NEPA, which created the Council on Environmental Quality, are incredibly important.

Since NEPA was enacted in 1970, we have reduced emissions of dangerous pollutants by 78 percent; 700 billion pounds of pollution have been diverted from American's waterways annually since the 1970s. Cleaner air has led to higher achievement by students and fewer workdays lost to illness, and those effects are magnified in the lower income and historically marginalized communities that have too often had to bear the burden of worse air and water quality.

So, indeed, protecting our environment is key to the long-term sustainable growth of our economy and helps achieve more equitable outcomes.

And if this Committee doesn't prioritize protecting clean air and water, we are compromising the health of future generations and holding the American people back from achieving their full potential.

So, make no mistake, the real issue in this hearing is not CEQ's small budget request, it is, unfortunately, an attempt by some of my colleagues across the aisle and their big corporate donors, to undermine the Council's ability to protect our air, our water, and our climate.

We must confront the challenges that cause timelines of project approvals to grow, particularly lack of agency staffing, however, undermining the agencies responsible for protecting our environment is not the solution.

We have to support the Clean Water Act, we have to support the Biden administration's America the Beautiful Act, and the Justice40 Initiative, and short-sighted attacks on the Council, by some of my colleagues across the aisle will only compromise our ability to appropriately protect the air and water quality and public health that our communities rely on, and will stall our transition to a clean energy economy, which is absolutely essential.

So, my question for you, Chair, is for our constituents back home who don't know what the Council is, who don't know what NEPA is, can you just explain, once again, how the work that you and your colleagues do helps protect our constituents and the quality of their air and water, in particular?

Ms. MALLORY. Thank you so much for the question. I think as you alluded to, the Council was created specifically to advise the President and the President's advisors on environmental and natural resource issues.

And, in particular, on those issues that were of most significance for our country. So, we actually work across the Federal Government on policy issues that are of importance to the American people.

We are helping to try to coordinate our activities in ways that will ensure that what actually happens on the ground is done in a consistent and an appropriate way. As Chairman Carper likes to say, we are like the conductor, kind of helping that symphony to play. There are a number of different roles, but we want to make sure directionally, that they are going in the same direction.

For example, on the environmental justice work that we had been focused on, we have been helping the agencies as they are implementing the incredible resources that we have gotten from the Bipartisan Infrastructure Law and the Inflation Reduction Act to actually see changes on the ground made to people's lives.

Mr. MAGAZINER. Thank you. And I just want to give one example. The NEPA process led to the discovery and the remediation of harmful chemicals at a site now occupied by the Providence Community Health Center.

When we talk about NEPA on this Committee, we often talk about the permitting process, the review process, the paperwork involved, et cetera, and we want to streamline things in a responsible way, but this is just one of thousands and thousands of examples from around the country of how the NEPA process has not only remediated dangerous chemicals in an urban area, but has made it possible to open a community health center, which again, is serving the community and making people healthy.

We could go through example after example, but I don't want it to be lost in this conversation that the NEPA process is valuable in protecting children, seniors, families from environmental degradation and unlocking the possibility of community development all across our country. With that, I will yield back.

The CHAIRMAN. The gentleman yields back. I now recognize myself for questions.

Chair Mallory, thank you again for being here. For years, CEQ has operated with a budget of about \$3 million. The President's budget request bumps that up to \$4.8 million, and on top of that, in the IRA CEQ received \$62.5 million.

We have requested information from CEQ before and you failed to deliver it. So, instead of asking you to explain your budget numbers, I am asking you to submit a written report to the Committee outlining the justification for that increased budget request, how you are spending the \$62.5 million. If you have added new employees, if you have expanded programs, and I would just ask you to comment yes or no if you will send the Committee that information?

Ms. MALLORY. Thank you so much for the question. I think we will coordinate with you on how to accommodate that request.

The CHAIRMAN. Thank you. Also, it has been brought up in the testimony today and the questions that there has been mission creep on CEQ's original advisory role to the President.

It appears that CEQ now coordinates and directs agencies on directions to go and also, new roles that CEQ has taken on with environmental justice, with carbon mitigation, things that definitely were not perceived in the original NEPA law.

And it also appears that this Administration and CEQ's failing in many of those stated areas that they list as concerns. Let's talk about environmental justice.

Is it environmental justice for U.S. policies that require us to transition to electric vehicles, which means we have to have more batteries, and we are not mining the materials here, we are mining them from places like the Democratic Republic of Congo, where, and I looked it up, the U.S. average income is \$58,120, China is \$16,153, India is \$1,670, and the yearly average income in the Congo is \$449 U.S. dollars.

Is it environmental justice to push policy that is resulting in Chinese slave labor in mines in Congo? Is that environmental justice?

Ms. MALLORY. Thank you, Congressman, for that question. I think we are very focused on advancing our own ability to do critical mineral mining here in this country. That is part of the President's agenda.

The CHAIRMAN. Well, the actions of the Administration have been just the opposite. Pulling leases in Northern Minnesota, trying to shut down mines in Arizona. But I will say that I read an interesting article in the AP yesterday where a young Native American woman stated that a mine that this Administration pushed to open in Nevada, she used the term green colonialism. Do you believe that is achieving environmental justice when Native Americans are calling this Administration's actions green colonialism?

Ms. MALLORY. I think we are trying to manage our actions in a very balanced way in order to achieve the President's overall goals.

The CHAIRMAN. You have also talked about energy transition. The gentleman from Texas, I think, delved into this. This chart behind me shows the global consumption of energy by fuel source over time and, as you notice, every form of fuel consumption is increasing and is on an exponential increase. And I agree with the gentleman from Texas, there is no transition.

You also mentioned electric school buses, and I found it interesting that the League of Conservation Voters touted the green school bus program as a victory for them.

Did you consult with League of Conservation Voters on the electric school bus program?

Ms. MALLORY. I have not consulted with them.

The CHAIRMAN. Have you consulted with any outside NGOs or non-profits on any of your policy issues?

Ms. MALLORY. Congressman, we actually hear from many members of the public on all of the things that we are doing.

The CHAIRMAN. Would you be willing to send us a list of the NGOs and people that you have met with regarding any of these policies?

Ms. MALLORY. Congressman, I think we should have a conversation about what you are actually looking for. We will try to figure out how to accommodate it.

The CHAIRMAN. OK. My time is almost expired, and there have been requests for a second round of questions, so we are going to move along to that. I recognize Mr. LaMalfa for his second round of questions.

Mr. LAMALFA. Thank you, again, Mr. Chairman, for that opportunity. We appreciate the time as we live in these little 5-minute compartments around here, sometimes it is tough to deal with.

Ma'am, I wanted to follow up on the question, as we ran out of time last time. On the economic impacts of a decision of a NEPA action or CEQ, whatever it might be, take the Klamath Basin, for example, a strong agricultural area that the project was created in order to foster a new agricultural zone in top of California and part of Oregon.

It was encouraged by the Federal Government in the development of that project many years ago. And now it is deemed that their existence, that those farmers and those families are a threat to the environment by what they do and the water that they use.

So, when we talk about the economic impacts of an action taken under NEPA, under CEQ, and other environmental rules, whether it is NOAA or U.S. Fish and Wildlife, it seems that the economic impacts are not getting the weight that they deserve, as my interpretation is prescribed by the law.

So, I want to return to that question. Do you know of an instance where, as you said, economic impacts are somehow taken into account. Has there been an activity that has gone so far in the economic costs versus the benefit that it actually has stopped the enforcement of Water for Fish or stopping of a hydroelectric project, or whatever it might be?

Have you seen where the environmental action has actually been stopped because of that economic impact?

Ms. MALLORY. Congressman, I think the important function to remember about NEPA is that it is a mechanism to get information that the agencies then use to make their decision.

And the decision is based on the programs that they are evaluating. So, there is no chronicling of the question to provide the answer for you in the way that you are framing it.

Mr. LAMALFA. In many of our opinions here, NEPA has been weaponized in order to stop projects, but also take away existing projects, such as the dams that make hydroelectric power in Klamath and others that are in line, like the Snake River up north.

Do you see a threshold, just to walk away from that specifically, do you see a threshold for CEQ or Federal action to whether it is to save species or what have you, would actually make the area unlivable for the people that live there? Whether it is agriculturally, as residents, as we are seeing with the folks that are losing their homes in the Klamath area that I am talking about?

Is there a threshold that CEQ would identify economically or just the effect on people?

Ms. MALLORY. The way that the CEQ regulations that the agencies apply works is that it allows for the collection of information that they then evaluate in the context of their programs.

Mr. LAMALFA. So, you label this merely collection of information?

Ms. MALLORY. NEPA is about collecting the information that is on the topics that the agencies then evaluate.

Mr. LAMALFA. OK. So, in the timeline of collecting the information and assessing it and making it ready for interpretation, it seems to take a very long time and that in and of itself has a great economic and harmful impact on people that are dealing with that.

What do you see that that timeline should actually be? Especially since we talked about categorical exclusions in order to move

around the onerous work that needs to be done on simple things like timber harvest projects and such after a fire?

Ms. MALLORY. As you know, the law that was just passed actually creates some new, or not new, creates some timelines that are focused on the environmental review process. My own view is that it is really important that, as we are doing the review, that we make sure that we have the time to do it and that we make sure we have the staff available to meet those timelines.

Mr. LAMALFA. OK. Well, it doesn't happen now, so let me ask this lastly. When you are looking at these takings of whether it is land, the water to go with the land, and other aspects, it opens up the Federal Government to lawsuits and the costs to the taxpayers of lawsuits.

Do you take that into account as part of an economic impact when you see that there will be lawsuits, such as on the Klamath where the water has been taken away that will negatively affect homes and agriculture and such, and lawsuits will come.

Do you take lawsuits as part of your economic impact into account?

Ms. MALLORY. Just to be clear, CEQ does not do an economic impact. These are actions that are done by the agencies. We don't do an economic impact. The agencies do the impact analysis.

Mr. LAMALFA. All right. Do you believe economic impact should be a greater role with those agencies as you see them happen?

Ms. MALLORY. I think the agencies are balancing their analysis based on what their statutes require.

Mr. LAMALFA. Thank you, ma'am. I yield back, Mr. Chairman.

The CHAIRMAN. The gentleman's time has expired. The Chair recognizes the gentlelady from New Mexico, Ms. Stansbury for 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman. These hearings are always an interesting adventure, so I have appreciated the discussion and, Chair Mallory, your intelligent, calm, cool, and responsible answers to many of the wild and interesting questions that we have gotten here today.

But I do feel compelled to do just a little bit of clean up on some of the misinformation that we have heard here today. I want to start with global climate change and the energy transition.

I heard some statements here today about there is no energy transition happening, that if we just could get China to stop its emissions then the United States wouldn't have to address its emissions.

First of all, Chair Mallory, does the United States have jurisdiction over China?

Ms. MALLORY. Thank you for the question. Obviously, we don't have jurisdiction over China, but I think that China is actually an area and the fact that they are dominant in some areas is something that the Administration is very focused on.

So, as we think about how we shore up our own economy, we are focused on putting ourselves in the position so that we can actually do our own critical minerals here. That is important to the Administration.

Ms. STANSBURY. And in terms of talking about the overall global climate footprint and both, in terms of emissions and in terms of

reducing emissions, the United States per capita, is one of the largest emitters per capita in the entire world, is that not correct?

Ms. MALLORY. That is correct.

Ms. STANSBURY. So, the United States has a fundamental responsibility, especially on the global scale, of addressing our emissions across every single sector and that is, once again, why we passed the Inflation Reduction Act and the Bipartisan Infrastructure Law, because it takes each of these emission sectors, sector by sector and tries to address those emissions.

Now, in terms of some of the questions about whether or not that is environmentally just, whether or not that has implications for the future of our communities, 1,000 percent. Of course, it does. We are talking about the future of our planet and while I greatly respect every community that depends on resource extraction for their livelihoods, we will not have a planet that is livable if we do not address global climate change for any communities.

So, the transition is occurring. It will occur. It will continue to occur over the next decade, over the coming decades, and if we are effective in implementing the policies that this body last Congress passed with the Inflation Reduction Act, with the policies that the Biden administration is implementing, with the global leadership that the Biden administration is working on in partnership with other sovereign nations, including China, including other countries, then we will avert a global climate crisis and we will have a survivable planet. And I think that is really, at the end of the day, what our goal is.

Secondly, I want to address this issue of mission creep. There has been some misinformation shared this morning in many different sort of compartments of the conversation, but when the National Environmental Policy Act was passed by this body in 1969, Chair Mallory, wasn't it partly the intent of Congress to have an entity that sat at sort of the tip of the spear in the Federal Government, that could coordinate across agencies on environmental review and protection?

Ms. MALLORY. That is correct.

Ms. STANSBURY. So, Mr. Chairman, that is entirely the point of why Congress created the Council on Environmental Quality.

So, some of the assertions we heard today about mission creep, expansion of the role are just actually, factually, untrue on the basis of the statute that we passed, that Congress passed on a bipartisan basis.

And I also want to note that we do have a separation of powers and that the President, under very administration, has the right and authority to create an advisory body within the executive office that can advise that President on any matter. It can be statutory or it can be something that the President creates because it is part of carrying out their mission.

So, some of those arguments are just untrue. And, finally, with the remainder of my time, I do want to just say I have heard a lot of unusual arguments today about NEPA, and I think that it is very clear, from what happened in the debt ceiling limit negotiations that happened, that there was a very clear intent to hold our country hostage and to do so over a key few items: (1) to try to cut Federal spending and the spending in our agencies; (2) to gut our

environmental laws; and (3) to gut our social programs. And there was a very crafty and clever effort to undermine the National Environmental Policy Act and I believe that many of the comments here today were intended to set legal traps for the entity that administers the National Environmental Policy Act. And I just want to say, Chair Mallory, I am grateful that you are in that role. You are exactly the right person to be there defending NEPA and we will continue to fight these efforts to undermine NEPA. Thank you.

The CHAIRMAN. The gentlelady's time has expired. The Chair recognizes Ranking Member Grijalva.

Mr. GRIJALVA. Well, thank you very much, Madame Chair, for being with us today, for your responses.

Mr. Chairman, I would like to ask for unanimous consent to enter a letter into the hearing record that touches on the issue of energy poverty that we heard about today?

In April 2020, at the start of the COVID pandemic, 11 former and current Republican members of this Committee publicly asked oil producing nations to cut the global oil supply for the express purpose of reversing, "a drastic price drop effecting the bottom line of some oil and gas companies."

This request to lower production, to increase oil and gas prices for consumers came at a time when millions upon millions of people were losing their jobs monthly and millions could not afford those higher prices.

This is, unfortunately, one of the many pushes to benefit gas and oil companies that my Republican colleagues have undertaken to drive up energy costs. And the discussion today is also part of that, as my colleague from New Mexico rightly pointed out. In those discussions to avoid the debt ceiling crisis, NEPA was a top item, and the consequence of that is that some of us supported that. I did not support that deal because of the direct beginning process of dismantling NEPA, what it stands for, and what it could potentially stand for and needs to do in the future.

So, my only comment, with all due respect, Madame Chair, and directed as you provided feedback back to the White House, that there are going to be other opportunities for my colleague, whether it is attempting through legislation, through the gutting of your budget, through other things, to continue to go after NEPA and the role that CEQ plays for this country and for the White House.

To advise the White House, at least from my perspective, that if a deal is not a deal and we continue now and must pass legislation in keeping the government open, in the budget discussions and decisions that will have to be made down the line, if we continue to see negotiations centered on undermining, dismantling, and effectively crippling the role that CEQ needs to play now and in the future in the three areas that you outlined today, or that the opposition to those kind of deals, at least on our side, will continue to increase because the threat is real, the efforts are ongoing, and we are very concerned that as negotiators for the White House, in direct contact with the Majority here in the House, continue to put NEPA on the table and to sacrifice that protection for the American people is something that is going to be very difficult to tolerate and

more and more Members are going to come to that same conclusion.

I have nothing else to add other than my profound thanks, Madame Chair, and I yield back, Mr. Chair.

The CHAIRMAN. The gentleman yields back. I now recognize myself for what looks like the final round of questions.

Thank you again, Chair Mallory, for being here today. There has been a lot of talk about the debt limit bill, the FRA, and the “gutting of the bedrock environmental laws.” Do you believe the changes to NEPA passed in the FRA were gutting NEPA or adversely affecting NEPA?

Ms. MALLORY. Thank you so much, Congressman, for that. I think that, ultimately, the way it ended up, as I was trying to explain to the other Congressman, is very much in line with some of the measures that we have been using to try to—

The CHAIRMAN. So, you support the changes we made to NEPA?

Ms. MALLORY. I think we can work with them. We can work with them.

The CHAIRMAN. Did you advise the President, during the negotiations, that these were acceptable changes to NEPA?

Ms. MALLORY. Congressman, I am not going to get into any advice that occurs in the White House.

The CHAIRMAN. Do you have an implementation timeline on the NEPA changes?

Ms. MALLORY. We are working, actually, quite diligently to make sure that the changes get integrated into the rulemaking that we were working on.

The CHAIRMAN. Thank you. I would just note that the FRA passed by a huge bipartisan majority in the House and the Senate, and President Biden signed that, and it is effective immediately.

So, I would hope this would be a No. 1 priority for you and the other Federal agencies to implement these laws and that we would see the benefits happening immediately.

Also, you have talked about scientific evidence a lot in your testimony and in the questioning. Yet, I find it discouraging that along with science goes math, so let’s look at electric vehicles. There has been a lot of talk about EVs. In the justification for CEQ’s actions on EVs, what would it lower greenhouse gas emissions to if we could make every passenger car and light duty vehicle in America an EV overnight? Do you have those numbers?

Ms. MALLORY. I don’t.

The CHAIRMAN. Do you have a general feel for it?

Ms. MALLORY. Someone does. I can circle back with you on any numbers like that.

The CHAIRMAN. I would like to see those numbers, because if you do the math, it is actually less than 1 percent and I would gladly accept the challenge to that number, if you have different numbers.

Also CEQ, in a report that the Forest Service and BLM released complying with an Executive Order from the White House, the agency stated that, “The role of place attachment or identify, meaning, the symbolic importance of a place is a repository for emotions in relationships that give meaning and purpose to life. May also be particularly relevant in our understanding of how people relate to and value old growth forests.”

If that sounded confusing to you, welcome to the party, because I can't understand what that means. I asked Chief Moore what it meant in a hearing and I don't think he understood what it means. Can you tell me, in 30 seconds, just a summary, what is old growth?

Ms. MALLORY. I think old growth are the oldest forests and oldest trees that we have in this country. And there is a range of timelines that people use to refer to that.

The CHAIRMAN. Is that defined in this report?

Ms. MALLORY. I actually don't know the report you are talking about.

The CHAIRMAN. No, it just said old growth, which it has no relevance or meaning unless you are talking about a specific forest type and even then, it is questionable as to what old growth is.

How much input does CEQ have with our Federal land agencies on the actual management on the ground? Because to me, these are very confusing directives that come out in reports like this that leave Federal land managers in a quandary and we have seen an exponential increase in forest fires, or even we have lost 20 percent of our giant Sequoia trees to catastrophic wildfire.

And if you look at a climate perspective, forests are, I have said this over and over, they are the largest scale, most economical, quickest way to remove carbon from the atmosphere, far exceeding any kind of technology that has been invented yet.

We seem to be implementing policies that are causing our forests to burn even faster than they have burned in the past. So, I will give you a chance to respond to what CEQ is doing, working with our Federal land agencies, to actually make our forests more healthy and resilient? Which also means not only clean air, but clean water, better wildlife habitat, and a lot of access for recreational opportunities for the American public.

Ms. MALLORY. Thank you for that. I guess I would just start off by saying that we look at all of the work that is going on, in terms of the climate change and addressing climate change, as being important.

So, no one activity, not just the electric vehicles. It all has to be taken together. And on the forests, I guess what I would say is that the partnership that exists across the Federal Government between CEQ and the other agencies is designed to kind of help with addressing some of the overall issues and challenges.

We have actual sector groups or task forces that are actually looking at wildfires as one of the really important areas where we have to have coordinated management on how we are addressing that.

And also recognize it as one of the significant areas needing attention. The work that the agencies have been doing to try to actually make sure we have the support for addressing the wildfires that are occurring and that we have different categorical exclusions that are in place to help with the management area.

So, I think we are recognizing it as being one of our big challenges. It is obviously one that is having a significant impact on not only on the ecosystem, but on all of the communities that are so close and affected by that, and I think that that is part of trying

to make sure that we have the tools necessary for the agencies to address the problems.

The CHAIRMAN. And I would just point out that recognizing and doing are two different things and policies like this old growth policy, policies on locking up more Federal lands, policies like the Chaco Canyon withdrawal, these are not helping management in any form or fashion.

Again, I thank you for your testimony today and I thank the Members for their questions. The members of the Committee may have some additional questions, me included, for the witness and we will ask you to respond to these in writing.


Under Committee Rule 3, members must submit questions to the Committee Clerk by 5 p.m. on June 27. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 12:28 p.m., the Committee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Grijalva



Environmental Justice Scorecard

In his 2021 [Executive Order on Tackling the Climate Crisis at Home and Abroad](#), President Biden directed the White House Council on Environmental Quality and the Office of Management and Budget to create an Environmental Justice (EJ) Scorecard to assess the federal government's progress on advancing environmental justice, provide transparency for the public, and increase accountability for federal agencies. For EJNCP recommendations on the EJ Scorecard, refer to [this page](#).

On April 21, 2023, the White House launched the first version of the [Environmental Justice \(EJ\) Scorecard](#), or Phase One Scorecard, "to provide a baseline assessment of actions taken by federal agencies in 2021 and 2022 to help achieve the Biden-Harris Administration's environmental justice goals."

The Phase One Scorecard gives a high-level overview of 24 federal agencies' progress on:

- Implementing the Justice40 Initiative to deliver at least 40% of climate and infrastructure investment benefits to disadvantaged communities.
- Implementing and enforcing environmental and civil rights laws including National Environmental Policy Act and the Title VI of the Civil Rights Act of 1964.
- Embedding environmental justice throughout the federal government.

The EJ Scorecard is **not just one scorecard**, but rather a compilation of information on Justice40 implementation and efforts to advance environmental justice from each federal agency. Rather than a comprehensive set of data on Justice40 funding, the information is organized into snapshots of select projects and programs. Some of these snapshots refer to programs for disadvantaged communities or Tribal communities. It does not give a total aggregate for funding, benefits, nor demographics across government implementation, but instead organizes information into snapshots of selected projects and programs.

The Scorecard also includes highlights on agency actions to protect environmental and civil rights (such as through National Environmental Policy Act compliance activities) and center environmental justice in decision-making (such as through community engagement, consultation and community partnership activities).

However, as it currently stands, the information provided in the Phase One Scorecard does not include any racial demographic data that would allow verification of the extent to which agencies have ensured racial equity in their work.

The administration plans to update the Scorecard and release more iterations that will build on this baseline assessment to measure the progress of federal agencies on advancing environmental justice over time, and include additional information on how this work is benefiting disadvantaged communities.

The Equitable and Just National Climate Platform (EJNCP) is a coalition of national environmental groups and environmental justice organizations working together to center environmental justice in federal climate policy making. For more information, visit: ajustclimate.org

EQUITABLE & JUST
NATIONAL CLIMATE PLATFORM

Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

On April 21, 2023, President Biden **issued** an historic Executive Order (EO) to advance environmental justice. The order states that “restoring and protecting a healthy environment – wherever people live, work, learn, grow, and worship – is a matter of justice and a fundamental duty that the Federal Government must uphold on behalf of all people.”

Recognizing that every person has a right to breathe clean air, drink clean water and live in a healthy community, the EO calls on agencies to implement and enforce the nation's environmental and civil rights laws, prevent pollution, address climate change and its effects, and work to clean up legacy pollution that is harming human health and the environment.

This **new EO** builds on **President Biden's 2021 EO 14008: Tackling the Climate Crisis at Home and Abroad**, and President Clinton's **1994 Environmental Justice EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**. The April EO also incorporates recommendations and significant feedback and work from the White House Environmental Justice Advisory Council (WHEJAC). WHEJAC members are community experts in environmental and racial justice, appointed by the President to provide recommendations on addressing current and historical harms.

The new EO includes commitments to:

» Deepen federal agencies' “commitment to environmental justice.”

Environmental justice must be incorporated into the missions of all executive branch agencies and “central to the implementation of our bedrock civil rights and environmental laws.”

» Protect overburdened communities from the disproportionate impacts of pollution and environmental harms.

Agencies must examine how they can address the adverse cumulative impacts of pollution, climate change, and other burdens that disproportionately impact communities of color and low-income communities—also referred to as environmental justice, or environmental justice, communities—around the country.

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» **Strengthen crisis communications between agencies and communities in the event of a toxic substance release.**

In the event of a toxic substance release from a federal facility, agencies must notify communities in a timely manner and hold a public meeting to share information about health risks and precautions to ensure a more effective response for protecting public health.

» **Strengthen agency-community engagement to address and work to resolve legacy barriers to participation embedded in injustices.**

The EO directs agencies to actively work to provide meaningful opportunities for community engagement, recognizing racism's key role in the environmental injustices and obstacles to participation in federal decision making opportunities. More notably, the EO highlights the need for and importance of consultation and coordination with Tribes in decision making.

» **Identify data gaps and make available to relevant communities the latest science, data, and research to better address environmental injustices.**

Agencies are directed to identify and address data and research gaps in environmental justice to address issues like cumulative impacts and make these findings publicly accessible to communities. The EO also creates a new Environmental Justice (EJ) Subcommittee within the National Science and Technology Council to coordinate and advance these efforts. This will be led by the Office of Science and Technology Policy.

» **Create and launch an Office of Environmental Justice within the White House Council on Environmental Quality (CEQ).**

The White House Office of Environmental Justice (within CEQ) will be headed by a Federal Chief Environmental Justice Officer who is tasked with coordinating environmental justice policy across the entire federal government. The EO will also add agencies to the White House Environmental Justice Interagency Council to advance a whole-of-government approach to address environmental injustices.

» **Update and implement Environmental Justice Strategic Plans and Assessments that will increase accountability and transparency in federal processes.**

The EO requires federal agencies to develop and regularly update assessments of their environmental justice efforts. The agencies must report updates to the Council on Environmental Quality and the general public on their progress. Assessments will be made public via the Environmental Justice Scorecard.

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