

## H.R. 2170, H.R. 2171, H.R. 2172, and H.R. 2173

### *Witnesses*

#### Panel 1

##### **Mike Pool**

Deputy Director, Bureau of Land Management

##### *Accompanied By:*

Walter Cruickshank

Deputy Director, Bureau of Ocean Energy Management, Regulation and Enforcement

##### **Joel Holtrop**

Deputy Chief, U.S. Forest Service

#### Panel 2

##### **P.J. Dougherty**

Vice President, Helios Strategies

##### **Chris Taylor**

Chief Development Officer, Element Power

Testifying on behalf of the American Wind Energy Association

##### **Paul Thomsen**

Director of Policy and Business Development, Ormat Technologies, Inc.

##### **Chase Huntley**

Director, Renewable Energy Policy, The Wilderness Society

##### **Jim Lyons**

Senior Director, Renewable Energy, Defenders of Wildlife

### *Committee Members Present*

Doug Lamborn, Chairman (R-CO)

Rush Holt, Ranking Member (D-NJ)

Kristi Noem (R-SD)

Chuck Fleischmann (R-TN)

Glenn Thompson (R-PA)

Paul Gosar (R-AZ)

Bill Johnson (R-OH)

Raúl Labrador (R-ID)

Jeff Landry (R-LA)

### *Full Committee Members Present*

Doc Hastings (R-WA), Chairman of Full Committee

Edward Markey (D-MA), Ranking Member of Full Committee

On June 14, 2011, Natural Resources Committee Chairman Doc Hastings (R-WA) and Representatives Raúl Labrador (R-ID), Kristi Noem (R-SD), and Rob Wittman (R-VA) introduced four bills to expand renewable energy production and create jobs. The renewable energy bills were reviewed in the subcommittee on June 23, 2011.

Hastings' bill, Cutting Federal Red Tape to Facilitate Renewable Energy Act (H.R. 2170), would reduce the number of years it takes to develop renewable energy projects on federal lands and waters. The Exploring for Geothermal Energy on Federal Lands Act (H.R. 2171) introduced by Labrador would establish a new policy for the development of clean geothermal energy resources. Noem introduced the bill, Utilizing America's Federal Lands for Wind Energy Act (H.R. 2172), which will streamline the process to test and develop onshore wind power on Bureau of Land Management and U.S. Forest Service lands. Advancing Offshore Wind Production Act (H.R. 2173), sponsored by Wittman would increase the production of renewable energy by allowing the Bureau of Ocean Energy Management (BOEM) to develop offshore wind power.

Chairman Doug Lamborn's (R-CO) opening statement said that federal rules and regulations are slowing down, stalling, or destroying critical renewable energy projects. He believes the U.S. needs to streamline projects where Congress will "keep the full review process when there are real environmental concerns, but when there are none, the federal government should be able to give a waiver to the states to speed up start times on construction projects." Lamborn commented that the development of renewable energy on federal lands holds great promise, potentially bringing a \$1 trillion boost to the economy and supporting two million new jobs.

In his opening statement, Ranking Member Rush Holt (D-NJ) expressed opposition to these bills stating that they eliminate public comment and would lead to more lawsuits if the bills became law. He would like two bills introduced by Democrats (H.R. 2176 and H.R. 2196) to be included in the package of renewable energy bills. These proposed bills would funnel money back into the states and the percentage of renewable energy the federal government is allowed to purchase would be limited. Edward Markey (D-MA) the Ranking Member of the Full Committee agreed with Holt and said the four bills in consideration are a recipe for more lawsuits.

In Hastings' opening statement, he stated that the biggest obstacle to renewable energy production is the federal government and these four bills are taking steps to correct this. He believes that energy diversity is essential to any long term energy policy whether it is oil and natural gas or wind, solar, and hydropower.

Though the Department of the Interior considers onshore and offshore renewable energy a priority, the Bureau of Land Management (BLM) opposed all four bills. Mike Pool told the committee that H.R. 2170 reduces the analysis of challenging issues to a "yes-or-no" answer which may force agencies to make a decision that is not in the best interest for taxpayers. H.R. 2171 and H.R. 2172 are inconsistent with the National Environmental Policy Act (42 USC 4321). These bills do not contain exemptions for extraordinary circumstances. H.R. 2173 was opposed because it conflicts with the Outer Continental Shelf Lands Act (43 USC 1331) and the 30 day time frame is not sufficient for public review, engineering safety reviews, and meetings with consultants and other agencies.

In his testimony, Joel Holtrop stated that the Forest Service cannot support these bills. The exclusion of surveying areas in H.R. 2171 and H.R. 2172 will have negative impacts to the surrounding areas of the renewable energy projects.

In the questioning period, Lamborn and Chuck Fleischmann (R-TN) wanted to know how often BLM is sued. Pool answered that BLM is less prone to litigation when it works upfront with individuals. This method creates a greater amount of understanding for the public and shows the public that BLM values their input. The government would be less prone to litigation if the lines of communication are open. Lamborn then asked how many of the nine solar projects BLM is in the process of starting are under construction. Pool answered that four are under construction.

Holt asked the representatives of the Forest Service and BLM how many categorical exclusions (CXs) had been issued since fiscal year 2008. These CXs are a category of actions which do not have a significant effect on the human environment. Holtrop answered that all 15 of Forest Service's wind projects are CXs and Pool said that the Forest Service has issued 149 CXs.

Markey stated that the 30 day decision period proposed in these bills is too short of a time frame to make sound decisions on

potential renewable energy projects being developed on public lands. He asked Pool if any geothermal projects might be developed around Yellowstone. Pool answered that any project being developed around Yellowstone would be carefully considered. Markey then suggested that these four bills could possibly “kill Old Faithful” if they became laws.

Labrador asked Pool whether any lands adjacent to Yellowstone are or would be leased. To Pool’s knowledge no lands are leased or would be leased. Labrador reiterated his bill would not “kill Old Faithful” because the BLM will not lease lands around Yellowstone.

In the second panel of witnesses, P.J. Dougherty offered modifications to H.R. 2171 and H.R. 2172 in his testimony. He approved of H.R. 2173 but fears that H.R. 2170 will lead to lawsuits. Chris Taylor testified that he would like CXs to be included in H.R. 2172. In regard to H.R. 2170, Taylor was concerned that more projects would be denied because there is no leeway for special considerations of any projects.. Paul Thomsen offered some modifications regarding geothermal activity in H.R. 2171. Chris Huntley said in his testimony that The Wilderness Society is opposed to all four bills because the bills are “not needed to accelerate renewable energy development on public lands and development.” The society feels that shortchanging environmental concerns would actually delay projects by spurring litigation. In Jim Lyons’ testimony, he said he does not believe that the four bills “are needed or would help, nor do [the bills] address the real roadblocks to clean energy development.”

During questioning, the second panel did agree that they would like to see predictability and consistency in the process of establishing renewable resources on public lands. In doing so, companies will consistently know how long the process to get a renewable resource project approved will take. Companies will be more likely to propose projects when they know how long the process will take.

Written testimonies from the witnesses, a documented webcast, and other information can be found at the committee webpage.