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The Council on Environmental Quality's Fiscal Year 2013 Funding Request and the Effects on NEPA, National Ocean Policy and Other Federal Environmental Policy Initiatives

Witness:

Nancy Sutley

Chairwoman, Council on Environmental Quality

Members Present:

Doc Hastings (R-WA), Chairman

Ed Markey (D-MA), Ranking Member

John Fleming (R-LA)

Dale Kildee (D-MI)

Steve Southerland (R-FL)

Colleen Hanabusa (D-HI)

Doug Lamborn (R-CO)

Jim Costa (D-CA)

Don Young (R-AK)

John Sarbanes (D-MD)

Bill Flores (R-TX)

Madeleine Bordallo (D-GU)

Glenn Thompson (R-PA)

Rush Holt (D-NJ)

Scott Tipton (R-CO)

Gregorio Kilili Camacho Sablan (D-MP)

Bill Johnson (R-OH)

Grace Napolitano (D-CA)

Ben Lujan (D-NM)

On March 7, 2012, the House Committee on Natural Resources held an oversight hearing on "The Council on Environmental Quality's Fiscal Year 2013 Funding Request and the Effects on NEPA, National Ocean Policy and Other Federal Environmental Policy Initiatives." The Chairwoman of the Council on Environmental Quality (CEQ) Nancy Sutley was present to answer questions from the committee members. CEQ was created through the National Environmental Policy Act of 1969 (NEPA, P.L.91-190) and has requested \$13.1 million for fiscal year (FY) 2013. President Obama released his proposed budget for (FY) 2013 on February 14, 2012.

Committee Chairman Doc Hastings (R-WA) began his opening statement by rehashing the duty of CEQ when he said, "As the environmental policy arm of the White House, CEQ provides guidance to all federal agencies through policy initiatives and the interpretation of statutes and regulations." Hastings said he hoped this hearing would provide him with more information on the National Ocean Policy specifically a clarification on its source of funding. He said his concern over National Ocean Policy funding stems from the large scope of the project but the absence of formal funding requests. He expressed his worry over this situation when he stated, "This implies to me either nothing is planned for FY 2013 to implement the Policy, or all of these agencies are quietly siphoning money from other activities to fund this unauthorized activity." The chairman was equally concerned over the National Ocean Policy's action in enforcing the policy on inland tributaries and watersheds despite the lack of any inland states on the Governance Coordinating Committee (GCC), which is the governing body on inter-jurisdictional ocean policy issues.

Ranking Member of the Committee Ed Markey (D-MA) opened by praising the National Ocean Policy in saying, "It provides, at long last, a unifying framework to better coordinate and integrate over 100 different existing laws, policies, and regulations affecting the

oceans, coasts, and Great Lakes.” Markey emphasized the vital role oceans and coastal areas play in the U.S. economy. He praised CEQ in leading the Interagency Climate Change Adaption Task Force, which is aiding the federal government in planning and responding to the impacts of climate change. The ranking member closed by reciting a poem he wrote based on Dr. Seuss's “The Lorax” urging the committee to support CEQ. Markey said, “What will we do if we lose CEQ/ Just a moment and I'll tell you/ We'd find a lonely place, that's a disgrace/ Where rivers burn and fish can't swim/ Where the air is thick and the sunlight dim/ It would be a sad place that time forgot/ Unless someone like you funds CEQ/ Nothing is going to get better, it's not.”

Sutley began her opening statement by saying, “The President's budget reflects the importance of safeguarding our environment and strengthening our economy by investing in clean energy, innovation, and manufacturing.” Sutley said that CEQ has focused their efforts on “implementing and modernizing” NEPA, improving federal government sustainability, enhancing the stewardships of the U.S. oceans and Great Lakes, protecting ecosystems, and advancing clean energy. Sutley reported that CEQ has made improvements in the efficiency and effectiveness of the NEPA process. She hailed the National Ocean Policy as setting a precedent for other federal agencies when she said, “The National Ocean Policy provides the framework for all federal agencies to better work together and avoid the kinds of conflicts that often delay or derail projects that support the economy and coastal communities.” Sutley affirmed the Obama Administrations commitment to protecting the nation's land and waters, which support more than 9 million jobs and more than \$1 trillion dollars in annual revenue. She said that as a part of this commitment the American Great Outdoors Initiative was created in 2010 with the goal of establishing a “conservation agenda.”

Hastings began the question and answer portion of the hearing by inquiring about the National Ocean Policy. Hastings took issue with regional planning bodies acting as the voice of the public in the development of national ocean policies. He asked Sutley if these regional zoning bodies will have to comply with the Federal Advisory Committee Act (P.L.92-463), a law requiring material covered in advisory committees to be objective and accessible to the public. Sutley responded that these regional planning bodies consist of government members and are thus exempt from the Federal Advisory Committee Act. She assured Hastings that the goal of these regional planning bodies is to involve the public with the utmost transparency. Hastings continued his questioning by asking Sutley to comment on the lack of representation of inland states in the GCC. He did not understand how these states cannot be represented when the National Ocean Policy subjects them to regulations on water runoff. Sutley replied that “there are circumstances in which you have to look at situations on the land... [With] runoff being one of them.” She did not answer the question on the lack of representation instead choosing to continually assert that CEQ is not issuing new regulations. She said they are simply focusing on the regulations in place that pertain to land activities that may affect the health of the oceans. Later, Congressman Steve Southerland (R-FL) debated the same issue over new regulation confusion. He said he was amazed that Sutley could say that no new regulations are being implemented “yet the very statement from the White House is very clear in that it will lead to new regulations.” Southerland claimed that President Obama signed an executive order that sets a path for new regulations. Sutley said the executive order called for CEQ to identify efficiencies within the hundreds of existing regulations and not to create new regulations.

Markey questioned Sutley if the government should as “good stewards of federal lands and taxpayers dollars” prepare against climate change issues such as rising sea levels, increased length of wild fire season, and decreasing snow pack. Sutley responded that CEQ feels it is “prudent” to examine how they manage these risks and increase resiliency. Markey asserted to Sutley and the rest of the Committee that he was satisfied by the undertakings of the interagency climate change task force.

Congressman John Fleming (R-LA) let it be known that he disapproves of the Obama Administration's stance on drilling of the outer continental shelf (OCS). He disapproved of statements made by Obama, Secretary of the Interior Ken Salazar, and Secretary of Energy Steven Chu all insinuating that high gas prices are good because it will help force the nation away from fossil fuel dependency. Fleming said that these soaring gas prices are bad for local businesses in Louisiana and he asked how the Obama Administration was planning to act on OCS drilling. Sutley retorted that 75 percent of OCS areas with known reserves of oil and natural gas are currently open to drilling. Fleming denounced this statement saying that these areas have only recently been opened and that the majority of OCS drilling was opened by President Bush before being closed by President Obama following the Deepwater Horizon oil spill.

Congressman Scott Tipton (R-CO) questioned Sutley on how many new regulations CEQ has implemented since President Obama took office. Sutley responded that CEQ has created no new regulations but that they have pushed “a number of guidance documents.” Tipton requested Sutley follow up with the committee on the number of regulations that have been created through these guidance documents. He stated that he has heard testimony that “if we stack up all the regulations that have come into play since this administration took office it stacks over 13 feet tall.” Tipton closed by expressing his disapproval of regulations within the National Ocean Policy that are prohibiting the treatment of dead standing timber in Colorado consequently creating a fire hazard.

A webcast, witness testimony, and opening statements can be found on the Natural Resources Committee web site.
