CLIMATE: Energy security argument resonates with public,
Sutley says (E&E News PM, 1/18/2012) Jean Chemnick, E&E reporter

Federal agencies should focus on integrating climate concerns into their everyday operations and on improving communication with the public on the issue, White House Council on Environmental Quality Chairwoman Nancy Sutley said today.

Speaking at a conference in Washington, D.C., titled "Environment and Security," Sutley said that talking about efficiency and alternative energy in the context of national security is particularly effective.

"Energy securing is something that is on Americans' minds always," Sutley said. "Sometimes people don't see the connection between energy security and climate change."

Speaking on a panel that also included military officials, Sutley said that the Defense Department had been particularly successful at finding ways to integrate climate adaptation and mitigation into its activities, including using renewable electricity to power its combat operations and bases overseas.

CONGRESS 2012: Committees prep their agendas -- but will anything really get done? (E&E Daily, 1/17/2012)

Congress is returning to Washington, and the partisan rancor that defined Capitol Hill in 2011 is likely to remain -- or get even worse -- in 2012.

Republicans still run the House. Democrats continue to cling to a slim majority in the Senate. President Obama seems determined to keep his distance from both chambers. And it's an election year -- what are the odds of anything getting done this year?

Of course, with re-election uppermost in everyone's mind, political considerations may make some action on some energy and environmental measures an imperative. But it's hard to predict which ones will become a priority.

Obama releases his proposed fiscal 2013 budget next month. Congress will then have six months to fight about it, or ignore it, and chances are that when the new fiscal year begins, a series of stopgap measures will be necessary to keep the government running.

Continued on page 7…
ADAPTATION: Interior releases draft U.S. plan to protect species from harsh climate impacts

(ClimateWire, 1/20/2012) Lauren Morello, E&E reporter

Climate change is already affecting the nation's natural resources, the Obama administration says in a new document that lays out a strategy to help the nation's fish, wildlife and plants cope with the shifting climate.

"Faced with a future climate that will be unlike that of the recent past, the nation has no choice but to adapt to the changes," says the document, produced at the request of Congress.

It describes an environment in flux: Over the past half-century, average temperatures in the United States have risen 2 degrees Celsius and precipitation has increased by 5 percent, as Arctic sea ice shrinks, ocean water becomes more acidic and sea level is rising.

Plants and animals have begun to respond to those changes, the report says, but there is evidence that many species are struggling to adapt.

"The pace and scale of these kinds of changes are expected to have major impacts on our natural resources and the communities and economies that depend on them," the document says. "The problem, therefore, is serious and urgent."

With Earth's average temperature set to rise another 2 to 11.5 degrees Fahrenheit by 2100 without major cuts to the world's greenhouse gas output, the administration strategy seeks to provide principles that federal, state and local governments can use to help plants, animals and fish increase their resilience in the face of climate change.

"The impacts of climate change are already here and those who manage our landscapes are already dealing with them," said Interior Deputy Secretary David Hayes in a statement released yesterday. "A national strategy will help us prepare and adapt."

Interior, the National Oceanic and Atmospheric Administration and the New York State Department of Environmental Conservation developed the new strategy. The administration is accepting comments on the document, available at wildlifeadaptationstrategy.gov, until March 5.
OCEANS: Obama admin lays out action plan for new national policy  (Greenwire, 1/12/2012) Allison Winter, E&E reporter

The Obama administration today released a new draft "action plan" that directs agencies across the federal government to work together on ocean planning and conservation.

The 118-page report [www.eenews.net/assets/2012/01/12/document_gw_02.pdf] instructs federal agencies to post all nonconfidential maps and research on oceans to a new central ocean data website [www.data.gov/ocean] over the next three years. It directs federal agencies to streamline ocean and coastal permitting processes, beginning with aquaculture. It calls on the National Oceanic and Atmospheric Administration to initiate plans this year for better sea ice mapping. And it sketches a process for regional councils to develop comprehensive ocean plans by 2019.

The draft plan from the interagency National Ocean Council is the next step in the administration's ambitious efforts to create a wide-ranging national ocean policy and comprehensive planning for projects and development at sea. It is open for public comment through the end of February.

"This action plan will help focus our resources on actions that will enhance the stewardship of coastal and marine resources on which so many communities, small businesses and American jobs depend," said Nancy Sutley, chairwoman of the Council on Environmental Quality.

President Obama signed an executive order last summer that put the National Ocean Policy in motion. The order created a National Ocean Council, akin to the National Security Council, on which representatives of the 27 agencies with oversight of the oceans and Great Lakes come together to attempt to improve coordination and planning on marine issues.

The report is the council's first major effort, and it lays out actions and deadlines for the nine major objectives that were included in the National Ocean Policy.

The most controversial aspect of the ocean policy has been plans for regional bodies across the United States to begin "coastal and marine spatial planning." The plans would map out different uses for the ocean and could designate areas that are prime for development or that need to be protected as sensitive marine habitat.

Marine planning is intended to address growing demands on the ocean for fishing, transportation, energy and recreation. Proponents of the plans say they would help renewable energy developers avoid situations that have happened in the past, where companies invest time and money in development of a project that is jettisoned for conservation reasons. The effort draws on recommendations made by the 2004 U.S. Commission on Ocean Policy.

But Republicans on Capitol Hill have been highly skeptical of the effort. House Natural Resources Chairman Doc Hastings (R-Wash.) has held multiple hearings to criticize the effort, which he thinks would create a large new bureaucracy and burdensome new regulations.

Hastings today said he will hold additional hearings on the plan.

"This policy isn’t about protecting the ocean; it's about expanding power and government control over Americans' lives," Hastings said in a statement. "The White House is single-handedly pushing through far-reaching policies that could cause significant job loss and economic damage both offshore and onshore."

The draft action plan sets a long timeline for creation of the marine spatial plans that would require support from the next two presidential administrations.

The council would oversee the establishment of regional planning bodies in four coastal regions over the next two years. The remaining five regions would establish their planning councils by 2015. Within three
to five years of their establishment, each of those regional groups would develop plans for "sustainable use and long term protection" of the oceans, coasts and Great Lakes.

The council is working on a separate handbook that will provide more detailed guidance for the regional planning process, including how the groups can comply with federal rules on openness and public comment.

Across the board, the report recommends the government adopt ecosystem-based management, strengthen regional efforts, and use and share the best science and data and try to "promote efficiency and collaboration."

"This plan reflects a number of overarching priorities of the Obama administration -- including a commitment to scientific data as an important basis for decisionmaking and a commitment to transparency and openness as we ensure that the interests of all stakeholders, from recreational beachgoers to fishermen and farmers, are taken into account," said John Holdren, director of the White House Office of Science and Technology Policy and co-chairman of the National Ocean Council.

Environmentalists said the action plan provides good direction and guidance for the government to follow through on the National Ocean Policy, protect marine habitat and prepare for the future. But for it to reach its full potential, the plan will still need funding and support from Congress.

“With the plan’s release and momentum building, the administration should ensure the appropriate resources are provided to continue the much-needed work on comprehensive ocean-use planning,” said Emily Woglom, director of Government Affairs for the Ocean Conservancy.

Natural Resources Defense Council president Frances Beinecke said GOP lawmakers need to be convinced the plan will not create more bureaucracy and regulation.

“By streamlining the way existing agencies work, it will reduce government waste, inefficiency and delay,” said Beinecke. “Under the National Oceans Policy, all the government agencies that play a role in ocean-related work -- from fishing to shipping to offshore energy and coastal development -- will coordinate their efforts, saving time and taxpayer money,”

Other action items in the report:

- It calls for federal agencies to make more scientific information available to the public, particularly on the new "ocean data" web portal.
- It directs the government to create new plans for how federal, state and international groups should respond in case of oil spills or marine accidents in the Arctic Ocean, in light of new access for shipping or oil and gas drilling as sea ice melts.
- The council's report also calls on federal managers to identify and conserve habitat for priority fish species.

Click here [www.eenews.net/assets/2012/01/12/document_gw_02.pdf] for the report.
PUBLIC LANDS: BLM to use state maps to reduce costs, wildlife impacts (Greenwire, 1/16/2012) Phil Taylor, E&E reporter

The Interior Department said it expects to save money and make better decisions by using digital wildlife and habitat maps available in Montana, Washington and Arizona and others soon to be released across the West.

In a memorandum [www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-039.html] Friday to employees, Bureau of Land Management Deputy Director Mike Pool directed staff to use state-developed wildlife maps as a "principal source to inform land use, land planning, and related natural resource decisions."

The interactive maps, part of the Western Governors' Association's Western wildlife crucial habitat assessment tool, allow users to overlay data in subject areas such as species richness, migration corridors, recreational or hunting value, habitat connectivity, or riparian or wetlands habitat.

Data can be layered on top of known "hot spots" where oil and gas, renewable energy or transmission projects are likely to occur or where future residential growth or agricultural land conversion is anticipated.

Supporters argue the "decisions support system" will help developers and land managers site projects in areas likely to avoid conflicts, delays or litigation. Government agencies could also be spared from redundant surveys or studies.

"Western states are developing information on wildlife corridors and crucial habitat that the BLM can use in implementing this [memorandum], which will likely reduce our costs and create efficiencies in planning and land use management," BLM Director Bob Abbey said in a statement.

So far, three Western states -- Montana, Washington and Arizona -- have released maps under the plan (Greenwire, Dec. 6, 2011). A West-wide decision support tool is scheduled to launch publicly in December 2013.

"These tools help achieve our goals and ensure that people planning development projects consider wildlife values early in their planning process," said Washington Gov. Chris Gregoire (D).

BLM said it plans to use the maps for its national planning strategy for the sage grouse, a bird that stands on the brink of Endangered Species Act protections due to impacts from oil and gas drilling, wind development, grazing and habitat loss.

Bill Geer, climate change initiative manager for the Theodore Roosevelt Conservation Partnership, said BLM and the public are already benefiting from Montana's wildlife and crucial habitat map, which launched in early 2010 (Land Letter, Jan. 14, 2010).

Geer helped develop Montana's map by polling dozens of hunting and fishing clubs in the state to identify lands most important to hunters.

"When I was a young biologist, we'd have all of this data in files, but of course it wasn't computerized," he said. "Even when it was computerized, we didn't have the Internet, so no one knew about it, and we'd have to go out and do it again [for each new decision]."

"I'm very supportive of BLM using the decision support system," Geer added. "That's what it's there for."

A 2010 draft report by WGA estimated that each state would spend roughly $1 million developing the maps, although actual costs could vary significantly depending on the amount of pre-existing work.

Mapping systems in some Western states shared a $12 million Energy Department grant aimed at helping plan transmission corridors in the Western Interconnect region.
Climate continued from page 1…

The military may do this mostly for practical reasons, she said -- depending on diesel fuel exposes supply convoys to increased risk -- but using solar and other technologies also helps reduce the military's carbon footprint.

Likewise, Sutley said the Obama administration's decision to increase fuel economy standards for vehicles will have the dual effect of cutting both emissions and dependence on foreign oil.

"What the public doesn't always see is that these things are tied together," she said. She advocated more public education campaigns to bridge that gap.

Rear Adm. Neil Morisetti, a climate change envoy for the U.K. government, said he wears his military uniform when he talks about climate change in community centers and Rotary clubs.

"Energy security has a resonance. People understand that," he said. "You can then take it further and talk about adaptation and mitigation."

The military and intelligence communities have long understood that the effects of man-made climate change -- including shortages of water and other natural resources -- are likely to amplify existing conflicts, Morisetti said.

Sherri Goodman, senior vice president at the Center for Naval Analyses and executive director of the CNA Military Advisory Board, said that climate change preparedness and planning are more a part of President Obama's national security strategy than they were in past administrations. "I think that these issues are right in the mix among the core national security issues we are facing today, and that was not the case a decade ago," she said.

Republicans in Congress have often questioned the wisdom of investing security dollars in climate change programs, but Goodman said that preparing for climate change is no different from preparing for possible nuclear attack during the Cold War. Whatever the probability that changing weather patterns will add to global conflict, the United States should be prepared for that possibility, she said.

Goodman said that she had had some success in the past in convincing even the most skeptical Republicans to support military efficiency efforts. Goodman said she took Sen. James Inhofe (R-Okla.), a senior member of the Senate Armed Services Committee and the chamber's most vocal denier of man-made climate change, on a tour of some of the conservation and efficiency programs being implemented at bases in Oklahoma.

"It did not convert him entirely," she said, but at least he did not try to get those programs stripped from the Defense Department's budget.

Congress 2012 continued from page 1…

The battles won't be pretty. But they -- along with the campaigns, of course -- will be what occupies Washington during the next year.

What follows is a look at the likely agendas for key congressional committees over the next several months:
HOUSE ENERGY AND COMMERCE

The agenda for 2012

The House Energy and Commerce Committee will continue its assault on the Obama administration, casting EPA regulations as job killers.

"Jobs remain our top priority," a spokesman for the panel told E&E Daily, "which is why we plan to focus this year on the tremendous job-creating potential of American energy development and work to identify any impediments standing in the way of safe and robust expansions in energy production."

Specifically, the panel will continue to pressure the Obama administration to sign off on the Keystone XL pipeline, monitor discord at the Nuclear Regulatory Commission and examine the commission's handling of the potential waste site at Yucca Mountain, Nev. And as gas prices rise, the panel will delve into alternative fuel sources.

Other highlights

Keying in on Keystone XL: The committee will continue to press the Obama administration to sign off on the Keystone XL pipeline. At the end of December, the committee posted a clock on its website counting "President Obama's Keystone XL Delay." Last week, more than 100 industry and business groups sent Obama a letter urging him to OK the project because of Iran's recent threat to block the Strait of Hormuz, a major oil route. The payroll-tax-cut package Congress passed before the end of the year requires the president to make a decision by Feb. 21.

Gas prices galore: Focus on the Keystone XL pipeline will dovetail into a general discussion on gas prices, particularly if they continue to rise heading into the election. In particular, expect the Subcommittee on Environment and the Economy to examine alternative fuel sources such as biofuels.

Notching up pressure on NRC: Committee aides say there will be continued scrutiny of the discord between NRC's commissioners and Chairman Gregory Jaczko, who many Republicans say should be fired. The committee will renew its focus on how NRC has handled the Energy Department's application to build a nuclear waste dump at Yucca Mountain, which the president has pulled the plug on. Specifically, the committee is sure to comb the president's Blue Ribbon Commission report on nuclear energy, which is due to be released by Jan. 29. The panel's draft document, released in July, contained several recommendations, including a government-chartered corporation to build and operate interim waste storage facilities (Greenwire, July 29, 2011).

Lessons learned from 2011

The Energy and Commerce Committee was remarkably successful in passing legislation that would undo EPA regulations -- and that trend will likely continue.

Among the highlights were the "Transparency in Regulatory Analysis of Impacts on the Nation Act" (H.R. 2401), which would have stalled EPA's new air pollution standards, and the "EPA Regulatory Relief Act" (H.R. 2250), which would have delayed EPA's pollution controls for industrial boilers and incinerators. The committee also tackled alleged stronger limits on farm dust, even though EPA said it had no intention of issuing them, as well as coal ash disposal. All of those efforts passed the House with at least some Democratic support.

Democrats attempted to stand in the way, labeling the last Congress the "most anti-environment House" in history. Those efforts will continue, but some moderate Democrats on the panel -- such as John Barrow of Georgia, Mike Ross of Arkansas and Jim Matheson of Utah -- may again side with Republicans, giving them the necessary votes to call their bills bipartisan.
**Eyes on EPA:** Committee Republicans will continue to hammer a wide range of EPA regulations as job killers. Hearings are likely on the topic, and it is likely EPA Administrator Lisa Jackson will again find herself in the hot seat testifying before the committee.

**Airing of grievances:** Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) has indicated he will renew his focus on the Clean Air Act and EPA's recent regulations to rein in air pollution. One likely step is legislation that would codify the Clean Air Interstate Rule (CAIR), a George W. Bush-era statute designed to control air pollution that drifts over state lines. A federal court struck down the rule in 2008 saying it did not go far enough, and Obama's EPA finalized its replacement -- the Cross-State Air Pollution Rule (CSAPR) -- last July. CSAPR has been strongly criticized by Republicans and industry, and a court stayed the rule before it was supposed to go into effect Jan. 1, leaving CAIR in place for now.

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**HOUSE NATURAL RESOURCES**

**The agenda for 2012**

Energy development on the nation's lands and waters will continue to set the agenda for the Natural Resources Committee in 2012.

Expect to see plenty of Interior Secretary Ken Salazar and his agency heads on the witness stand as the committee continues its assault on the Obama administration's policies.

"Republicans on the committee will continue to focus on creating new American jobs, reducing the debt and federal deficit, protecting access to our nation's natural resources and conducting oversight of the administration's policies and actions," said committee spokeswoman Jill Strait.

Last year saw 115 hearings and markups of a dizzying number of bills. "I think 2012 will be equally as busy," Strait said.

**Other highlights**

**Cutting red tape:** The committee's focus will largely mirror last year's agenda: job creation through increased energy development on public lands and waters. Expect early action on a trio of bills introduced late last year that would allow oil and gas leasing in the Atlantic and Pacific oceans, allow drilling in the Arctic National Wildlife Refuge and reinstate a scrapped George W. Bush administration plan to promote oil shale development in the West. The bills, which are designed to raise new revenues to shore up the Highway Trust Fund, will see action "in the coming weeks or months," according to a statement this month by House Speaker John Boehner (R-Ohio) (Greenwire, Jan. 9).

**Renewables:** The committee will continue seeking ways to streamline the federal permitting process. A committee aide said Chairman Doc Hastings (R-Wash.) plans to push for House passage of four bills his panel reported last July that would shorten National Environmental Policy Act reviews for low-impact

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**Lessons learned from 2011**

The last session included 115 hearings and saw the passage of several significant Republican-led bills promoting offshore drilling, renewable energy, copper mining, and hunting and fishing, among many others. But while some of the bills passed the full House, only a few small-scale proposals passed the Senate, Democrats point out. Regardless of who is to blame, lawmakers know they will need to work much harder to achieve bipartisan compromises this session, particularly in an election year.
renewable energy projects. A committee aide said the panel will explore other ways to unlock the vast potential to site wind, solar, hydro and other energy projects on public lands.

**Endangered species:** In addition to NEPA, the committee will seek to overhaul the Endangered Species Act, a nearly 40-year-old law critics contend has stymied access to domestic resources. At its first hearing on the matter last month, Republicans on the committee blamed the frequency of citizens' lawsuits that many argue have hamstrung the Fish and Wildlife Service (*E&E Daily*, Dec. 7, 2010). The committee will hold additional oversight hearings to examine the law's strengths and weaknesses and explore potential improvements. The committee may also review a landmark settlement between the Obama administration and environmentalists that will force the administration to issue final listing decisions on hundreds of species over the next five years.

**Oversight:** The committee will continue its oversight of major Obama administration policies, including its five-year offshore leasing plan, a proposed rewrite of the Office of Surface Mining's stream buffer rule, national ocean planning and the folding of OSM into the Bureau of Land Management. The committee heard from Interior Secretary Ken Salazar shortly after he released the agency's five-year leasing plan, which calls for continued sales in the Gulf of Mexico and Alaska, but excluded the Atlantic and Pacific coasts, angering Republicans. Expect to see much more of Salazar on the witness stand as his agency finalizes the leasing plan and issues other decisions on Alaskan offshore drilling, hydraulic fracturing regulations and oil shale.

**Oceans:** Hastings plans to continue his campaign against the administration's National Ocean Policy. Spurred by last week's release of a draft implementation plan, Hastings said he would hold additional hearings to vet the policy, which he warned could place portions of the ocean off-limits for recreation, fishing or development. Hastings held two hearings last year on the plan, targeting it as a "burdensome" federal effort that could destroy jobs and hinder economic growth. Marine advocates applauded the plan.

**Access:** Republicans will continue attacking Obama policies they argue have unfairly locked up public lands. While no markup has been set, the committee will continue to push a bill to release tens of millions of acres of forests the Clinton administration placed off-limits to roads and timber harvests. The bill, which would also lift interim protections by the Bureau of Land Management, is the greatest threat to public lands in a generation, environmentalists have warned. Expect a continued focus on land management decisions, including the new Forest Service planning rule, that could affect access for motorized users like off-highway vehicles and snowmobiles.

**Democratic defense:** Committee Democrats led by Rep. Ed Markey of Massachusetts will continue to portray the majority as beholden to fossil fuel interests, pointing to its failure to consider the ranking member's proposal to implement offshore drilling reforms recommended by the president's BP spill commission. They will continue to point to deficit reduction measures that target oil industry tax breaks; leased, but undeveloped, public lands; and royalty-free mineral development. In addition, committee Democrats say they will fight hard to stifle Republican attempts to allow oil and gas drilling in the Arctic National Wildlife Refuge, new uranium claims near the Grand Canyon and limit or reduce funding for land acquisition and conservation. The minority will also promote accelerated development of solar, wind and other clean energy on public lands.

**Staff changes:** Republicans began last session with around 17 staff but are beginning this year with more than double that amount, a committee aide said. Democrats welcome Amelia Jenkins, a former Energy Department staffer, to lead the committee's public lands and parks efforts. The committee's Office of Oversight and Investigations now has three staffers, but it no longer includes Morgan Kim, the former Ethics Committee staffer who was hired to run the office when it was launched last March. A committee aide said the office is examining the Obama administration's proposed stream buffer zone rule and ocean zoning policy. The office last year investigated payments to attorneys in the Cobell Indian trust settlement but is yet to issue a report on the matter.

-- Phil Taylor
SENATE ENERGY AND NATURAL RESOURCES

The agenda for 2012

Despite an impressive track record at clearing energy and public lands measures, the Senate Energy and Natural Resources Committee didn't see a single measure debated on the Senate floor in 2011.

Retiring committee Chairman Jeff Bingaman (D-N.M.) is likely to keep the pressure on Senate leaders to take those measures up in the full chamber as his time in the Senate comes to a close at the end of this year. And he'll also likely encourage discussions of his upcoming clean energy standard legislation.

The measure isn't likely to gain much traction among Republicans in either chamber -- a fact Bingaman acknowledges -- but he says it will still be important to start debate on the issue.

Other highlights

**CES:** Bingaman has vowed to float legislation early this session that would create a federal clean energy standard requiring utilities to generate a certain percentage of their electricity from low-carbon sources in the coming decades. Once introduced, the measure is sure to get ample face time in the committee, but partisan roadblocks in the full Senate and a sure death in the House will likely prevent it from moving beyond the panel.

**Smaller bipartisan bills:** The committee last year cleared dozens of smaller energy bills on a bipartisan basis -- many of them breakouts from a broad 2009 energy bill that stalled in the full Senate -- but none have seen floor time. Bingaman will likely push Senate leaders to move on some of those measures as he sees the clock ticking on his time in the Senate.

**Offshore drilling:** Efforts last year to advance offshore drilling safety language stalled after ranking member Lisa Murkowski (R-Alaska) and Sen. Mary Landrieu (D-La.) urged the inclusion of coastal revenue-sharing language in a bill responding to the 2010 oil spill in the Gulf of Mexico. Bingaman isn't likely to advance the legislation this session, but the committee could take a look at other offshore drilling issues, such as Interior's five-year leasing plan. Republicans and the oil industry want to see the areas included in that plan beefed up, while environmentalists and many Democrats say it already infringes on too many sensitive areas.

**Energy technology financing:** The committee last year steered clear of a scandal surrounding a DOE loan guarantee to the now-bankrupt solar firm Solyndra, with Bingaman instead saying he would rather take a look at energy technology financing gaps between the United States and its international competitors, like China. The committee this year could hold legislative hearings on the international issue, but the shadow of Solyndra will likely return as the committee wades into discussions of the president's budget request for fiscal 2013, which is due out early next month.

**Nuclear:** Small modular nuclear reactors could be discussed in the committee again this year after Congress appropriated $67 million to a new DOE research program that will provide licensing and first-of-a-kind engineering support for small modular reactor designs that can be built in factories and

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**Lessons learned from 2011**

The committee last year kept up its famously bipartisan appearances, churning out an impressive 61 bills. But the panel still suffered from bouts of partisanship that brought action on certain issues -- like a response to the 2010 Gulf of Mexico oil spill -- to a standstill. The addition of several new tea party-backed GOP freshmen to the roster also caused some strife at committee meetings and in negotiations on seemingly noncontroversial bills. Head-butting isn't likely to go away on key issues as election-year politics dominate discussions throughout the Capitol.
assembled on-site. Bingaman and Murkowski worked together on legislation last year to fast-track licensing of the reactors, and the panel cleared the bill last summer. But that measure is currently stalled in the full Senate.

**Public lands:** Despite expected controversy, Republicans foresee discussion of a Murkowski public lands proposal at the panel's first public lands markup. Her bill would allow Sealaska Corp. to acquire lands in the Tongass National Forest outside of acres made available to it for selection in a decades-old federal law. The measure has bipartisan backing in the House, but it is strongly opposed by conservationists and the Obama administration, who fear it would allow the cutting of old-growth timber in sensitive areas of the forest. The panel could also advance dozens of less contentious public lands bills that could earn a unanimous consent agreement in the full Senate.

--Katie Howell

**SENATE ENVIRONMENT AND PUBLIC WORKS**

**The agenda for 2012**

For true political polar opposites, look no further than the EPW Committee leadership of Chairwoman Barbara Boxer (D-Calif.) and ranking member James Inhofe (R-Okla.), whose antithetic political philosophies reflect the ideological gridlock typical of this committee. But even these fire-breathing partisans agree on one thing: the need for more spending on transportation and water infrastructure.

Both see it as a way to create jobs and keep the U.S. economy healthy. This explains why normally feuding Democrats and Republicans on the EPW Committee unanimously -- that's right, unanimously -- approved a $109 billion surface transportation bill last year. In addition to their usual partisan sparring, expect Boxer, Inhofe and their staffs to labor behind the scenes to push a slimmed-down transportation bill and Water Resources Development Act (WRDA) through Congress this coming year.

**Other highlights**

**WRDA:** The 2012 version of this perennial earmark Christmas tree would likely be leaner than its predecessors, assuming such a bill materializes at all. Projects selected for a possible 2012 WRDA could be more regionally, as opposed to locally, focused so as to avoid the toxic "earmark" label. Proposals couched as Army Corps of Engineers reforms might also be good candidates for a piling into a potential WRDA. Although the deadline for congressional offices to submit requests to the committee has been delayed several times, rumor has it that a real deadline will be set within weeks. Of course, even if a WRDA bill does pass committee, it remains an open question whether a multibillion water infrastructure bill could proceed any further, given the deep anxiety on the Hill over federal spending.

**Lessons learned from 2011**

Though both sides held hands on the issue of infrastructure investment, the EPW Committee remains a partisan battleground. Last year was a year of party-line votes, contentious nomination hearings (and subsequent GOP nomination holds), and Democrat-led pep rallies for Obama administration environmental regulations despised by industry and Republicans. There is little sign of either side backing down in 2012. Even though environmentalists took heart when Inhofe appointed George "Dave" Banks, who won an environmental award from the Obama administration in 2009 for climate diplomacy (E&E Daily, June 9), Inhofe's aides quickly dismissed the notion that Inhofe was softening his stance on the issue. The challenge in 2012: finding the common ground between Boxer and Inhofe, which, as one environmental lobbyist put it, "is a very small space."
Transportation: Although the committee did unanimously approve language for a two-year, $109 billion surface transportation reauthorization bill in November, Boxer and Inhofe must still walk a tightrope to shepherd the bill to the Senate floor while keeping both parties happy. The biggest question mark remains the Finance Committee's work to close a $12 billion funding gap. But the real trouble could come with policy language when the bill comes to the floor. Republicans -- including Inhofe -- have questioned the need for a set-aside for transportation enhancements like bike paths, which will face opposition despite reforms. Boxer will also have to oversee possible amendments to the Congestion Mitigation and Air Quality Improvement Program, high-speed rail funding and rail safety.

Water infrastructure: Everyone agrees that the nation's sprawling network of water and sewer plants and pipelines are an aging, decrepit mess. Some estimate that needed repairs, replacements and expansions will cost upward of $1 trillion in the next two decades. The problem for local, state and federal governments: paying for it. EPW Republicans and Democrats alike recently called for more spending in this area (E&E Daily, Dec. 14, 2011), although specific proposals have yet to emerge. Expect to see legislation to reauthorize, for some amount, the state revolving funds that loan money to utilities for upgrades, as well as perhaps proposals designed to attract more private investment, which all sides see as the only viable way forward in these lean times.

Regulatory battles: Expect Boxer to continue to schedule hearings and work on the floor to defend Obama administration air and water regulations from GOP attacks. Boxer led a successful effort to stop Sen. Rand Paul's (R-Ky.) attempt to use the Congressional Review Act to strike down EPA smog and ozone emissions rules. Paul said he would not stop there -- a move to roll back the utility MACT rule could be next -- but Boxer has vowed to keep playing defense.

NRC oversight: Another hearing is expected early-on regarding NRC issues, which include ensuring that policy changes inspired by the nuclear meltdown in Japan are implemented.

General Services Administration oversight: Democratic committee leaders will also press on efforts to improve energy efficiency and the environmental footprint of government buildings, which they cast as a way of creating jobs and shrinking the government's electricity bill.

--Paul Quinlan

HOUSE TRANSPORTATION AND INFRASTRUCTURE

The agenda for 2012

With two major measures -- a Federal Aviation Administration and a surface transportation bill -- up for action, the Transportation and Infrastructure Committee will have to move beyond the partisan slog on the Hill.

Passing the FAA bill before the Jan. 31 expiration and moving quickly to the surface transportation bill before the March deadline are the unquestioned priorities for the panel.

Luckily, after a year of delays, the transportation bill got a major boost thanks to an endorsement from House leaders, who want to pass the bill as a jobs package and are urging chairman John Mica (R-Fla.) to move it quickly.

But like everything in Congress, the devil is in the details. Though leaders agree that something has to be done, there is little agreement so far between the House and Senate on how to fund vital transportation programs -- and for how long.
Other highlights

Transportation reauthorization: Once a long-term compromise with Democrats on the FAA bill -- or another short-term extension -- is on the books, the committee will turn to a long-awaited, multi-year surface transportation bill. The bill, pegged at five years with at least current funding levels, will draw additional funding from a suite of domestic energy production bills that will move through the Natural Resources Committee, as well as another source that has yet to be announced. Democrats say they have yet to see key sections, which the committee could release as soon as early February. The bill will likely include reforms to the environmental review process and could cut funding to bike and pedestrian infrastructure or public transit.

Rail and Amtrak: The committee will continue to probe President Obama's investment in high-speed rail, a pet issue of Mica's. A bill that would have wrested control of the Northeast Corridor from Amtrak to offer it up to private bidders is being retooled, Mica announced last fall, but the committee is expected to bring it up again in some form -- it could even be written into the transportation reauthorization, although it will likely move independently. Mica and Railroads Subcommittee Chairman Bud Shuster (R-Pa.) also turned their attention to California's high-speed rail line at a hearing at the end of 2011 and could revisit the issue.

EPA stormwater regulations: Water Resources Subcommittee Chairman Bob Gibbs (R-Ohio) has signaled his intention to hold hearings on controversial new stormwater regulations that EPA is expected to propose this year (E&ENews PM, Dec. 14, 2011). The "post-construction" stormwater rule would require that newly developed property include features that would allow the land to absorb as much rainfall as if the land was left in its natural state. Fans of such regulation say the rule would deliver extraordinary gains in water quality, while critics, including Gibbs, warn that the rule could be the most expensive ever developed by EPA.

Water infrastructure: Republicans and Democrats are expected to debate competing measures to address badly needed maintenance and expansions to the nation's aging, failing drinking water and sewer plants and pipelines, which will require $1 trillion in upgrades over the next two decades, by some estimates. Water Resources Subcommittee ranking member Tim Bishop (D-N.Y.) introduced legislation (H.R. 3145) that would inject $13.8 billion into state revolving loan funds to help finance the work. Republicans have said they will unveil their own proposal in the coming months after holding a hearing on the subject.

Maintaining ports and harbors: U.S. ports and harbors are also in bad need of maintenance. The problem, per usual, is how to pay for it. The waterway shipping industry will be watching the committee closely to see whether its beloved, so-called RAMP Act -- which stands for "Restore America's Maritime Promise" -- gains traction, perhaps as part of the surface transportation bill. The bill would require the full amount of an ad valorem tax levied on goods imported through U.S. docks gets spent for its intended purpose: port and harbor maintenance. But it is not that simple, according to Bishop, who has said spending caps established as part of the debt-limit agreement last year will require that additional spending on ports and harbors must first be offset by other parts of the already-overstretched Army Corps budget (E&E Daily, Oct. 28, 2011).

Lessons learned from 2011

How did the T&I Committee, once a bastion of bipartisan compromise and progress, fall to being so divided and sluggish that longtime member Corrine Brown (D-Fla.) compared it to a "dictatorship"? Democrats revolted against a six-year transportation reauthorization that would have cut upward of 30 percent and continue to stew about a lack of cooperation on a more appealing five-year version. Mica, meanwhile, has expressed frustration with a lack of movement on that bill and the FAA reauthorization, with a dispute on the latter bill with the Senate even shutting down the agency in August. With those two bills as well as a large water infrastructure bill still hanging over the committee's head, it remains to be seen if members can rise above the bitterness that defined 2011 to restore the panel's legacy.
FEMA reauthorization: The committee also hopes to consider a reauthorization of the Federal Emergency Management Agency that could include reforms to better free up money and resources after a natural disaster. Rep. Jeff Denham (R-Calif.), who leads the subcommittee overseeing emergency management, has called for FEMA reforms to slash red tape, especially after a disaster.

--Jason Plautz

SENATE COMMERCE, SCIENCE AND TRANSPORTATION

The agenda for 2012

The Commerce Committee will continue focusing on its highest priority -- consumer protection -- in the upcoming year.

With transportation language and possible work on a fishing and oceans bill also on tap, the panel could have plenty of work on its plate.

But before the panel can address those issues -- along with science funding and overseeing the nation's rail system -- Chairman Jay Rockefeller (D-W.Va.) and ranking member Kay Bailey Hutchison (R-Texas) must continue negotiating a FAA authorization ahead of the Jan. 31 expiration.

Even if Rockefeller and Hutchison are able to reach an accord on long-term transportation funding -- and the two generally work well together -- the committee's work is complicated by the fact that other Senate panels also have a say over the package. And there are still wide areas of disagreement between the House and Senate over how to pay for transportation projects over the next several years.

Other highlights

Rail and aviation: Although the committee passed a package of highway safety bills as part of the Senate's surface transportation reauthorization, the panel will also move language governing freight and passenger rail and infrastructure spending.

Rockefeller said in December that those items would come up early in the year as the Senate works toward passing a two-year bill. Along with that, the committee is expected to continue looking into high-speed rail investments and safety, as well as Amtrak management. The panel also oversees aviation and last year held a number of hearings on clean jet fuel.

Oceans and fishing: The Commerce Committee this year could bring up a bill that would crack down on pirate fishing on the high seas after high-ranking leaders on the panel introduced legislation to implement part of a U.N. treaty on illegal fishing. The "Pirate Fishing Elimination Act" would bar ships engaged in illegal fishing from entering U.S. ports and offloading their catch. It is one of three bills that lawmakers have introduced to implement the "Port States Measures Agreement" treaty. The Oceans Subcommittee is also hoping to advance a bill that would free up federal agencies for oil spill response and promote responsible maintenance of Arctic resources. The subcommittee will also continue work monitoring genetically modified salmon and ensuring that they do not escape holding areas.

Lessons learned from 2011

Rockefeller found a successful strategy in grouping together bills that would encounter little resistance for swift markups, moving packages of transportation bills and water management bills in quick sessions. The committee was also successful in passing a pipeline safety bill. However, that strategy nearly backfired in December thanks to a last-minute addition of freight rail language from Sen. Frank Lautenberg (D-N.J.) that Republicans objected to, leading them to pass it with a promise to strip the language on the Senate floor.
Hazards Chemicals: After looking into toxic drywall from China and the policies regarding the transportation of hazardous materials, the committee is expected to continue its work on protecting consumers from dangerous substances. The committee may continue to work on pushing a recall of the toxic drywall -- linked to some 4,000 complaints across 43 states -- after a December hearing shed light on the issue.

--Jason Plautz

HOUSE, SCIENCE, SPACE AND TECHNOLOGY

The agenda for 2012

House Science Chairman Ralph Hall (R-Texas) and Rep. Andy Harris, the Maryland Republican who chairs the Energy and Environment Subcommittee, made their biggest goal in 2011 to stand over EPA's shoulder on everything from new air pollution standards to chemical risk assessments.

Their panel does not have jurisdiction over the actual regulations but expect Republicans to stay in the EPA oversight mode in 2012, when the agency could propose new rules for refineries, greenhouse gases from power plants and the hydraulic fracturing techniques used in oil and gas production.

Harris' subcommittee has already scheduled a Feb. 1 hearing called "Fractured Science" to examine EPA's research into possible groundwater contamination from drilling in Pavillion, Wyo.

Other highlights

Overseeing shrinking budgets as renewables, fossil fuels vie for their share: With jurisdiction over energy research and development programs that got a one-time boost from President Obama's stimulus bill and now face budget cuts, Hall's committee will advise appropriators on how to parcel out money in a political minefield. Majority committee staff say Republicans will keep asking to give priority to DOE's Office of Science over the programs that mainly fund clean technology, such as the Advanced Research Projects Agency-Energy, or ARPA-E, which will be put under the microscope during a Jan. 24 hearing of the committee's oversight panel. When it comes to fossil fuels, they will seek basic research that could make energy production more efficient and less polluting, rather than commit money to capital-intensive pilot projects for technologies such as carbon capture and storage, committee staff say.

Expect the usual arguments: Republicans will say they want to stop the Obama administration from "picking winners and losers" with its support for renewable energy, but Democrats, who want government research money going to work that will hasten cleaner forms of energy onto the marketplace, will make the case that Republicans are fine with letting government meddle in the marketplace when it benefits oil, gas, nuclear and coal.

Lessons learned from 2011

The only bill to clear the committee's energy and environment panel last year was introduced by Harris to renew funding for research on algae blooms, which can cause oxygen-poor, fish-killing "dead zones" in water bodies such as the Chesapeake Bay -- a major issue in Harris' Maryland district. That bill is still waiting on the House floor, and not much else from the panel is expected to join it. According to Republican committee staff, the bill most likely to move this year is a renewal of the Environmental Research, Development, and Demonstration Authorization Act, a law governing EPA science activities that hasn't gotten a specific funding authorization since 1981. The politics surrounding the agency's new regulations make it a likely candidate for deadlock, but Democratic committee staff said this year's work would in any event lay foundations for future stabs at updating EPA's scientific integrity and peer review methods.
Boosting U.S. stockpiles of rare earth minerals: The need for a secure supply of rare earth minerals used in electronics, clean energy technologies and specialized alloys proved last year to be a rare area of agreement in the committee -- and a problem where the possible policy solutions do not fall neatly along Democratic and Republican lines. Committee members such as Reps. Randy Hultgren (R-Ill.) and Brad Miller (D-N.C.) have both introduced bills meant to lessen U.S. reliance on the world's dominant producer, China, but despite the bipartisan interest, committee leadership hasn't yet shown an appetite for moving them. This might be the year, though Hall and Harris have not yet signaled whether they would prefer loan guarantees for new mines, a focus on recycling or funding for research and development that the private sector wouldn't handle on its own. The committee might also choose to take a backseat to the House Natural Resources Committee, where Chairman Doc Hastings (R-Wash.) shepherded a similar bill to the House floor last year.

Debating nuclear's future and rehashing the Yucca Mountain closure: Energy policymakers on the Hill will pay more attention this year to the long-discussed idea of a "nuclear renaissance" in the United States, as well as the question of how to handle the roughly 70,000 tons of spent nuclear fuel being kept at reactor sites in the absence of a federal waste repository. The presidential Blue Ribbon Commission on America's Nuclear Future is expected to send its report to Congress in late January or early February, while a federal appeals court has scheduled oral arguments this May on DOE's abandonment of the Yucca storage site, bringing a high-profile issue in the Science committee's jurisdiction to the forefront. Committee staff do not expect any legislation to come of it but expect high-ranking Republicans to keep making noise about President Obama's decision to kill the Nevada repository, especially if they disagree with his commission's policy prescriptions and if the court finds fault with the handling of Yucca.

--Gabriel Nelson

HOUSE AND SENATE AGRICULTURE COMMITTEES

The agenda for 2012

After spending 2011 holding field hearings and getting new committee members up to speed, the House and Senate committees will use a good deal of the year to moving the 2012 reauthorization of the nation's agriculture policy.

Agriculture leaders hope to have the sweeping five-year farm bill on the House and Senate floors by May based on a proposal they wrote in November.

That proposal, meant to be included in the supercommittee's recommendations, came under sharp criticism by some interest groups and lawmakers, who accused the leaders of sidestepping the open democratic process.

This year, the bill will be subject to markups and amendments, a process that will greatly slow momentum. In between hearings on the bill, the Agriculture committees will also likely continue oversight of the Commodities Futures Trading Commission and MF Global. On the House side, expect to see EPA taking another beating this year over regulations.
Other highlights

**Farm bill:** Both the House and Senate Agriculture committees plan to begin hearings and markups on the 2012 reauthorization of the farm bill within the next few weeks, but interest groups aren't convinced it will be complete by the elections or even by the end of the year. Committee members face pressure on all sides over changing risk management programs and farmer subsidies, along with consolidating conservation programs. It is also unclear how the next appropriations bill and across-the-board sequestration cuts will affect the process. But everyone seems to agree on one thing: Pushing the bill back to 2013 will only mean less money for farmers and ranchers.

**Dodd-Frank:** The Agriculture committees will continue oversight hearings as the U.S. Commodities Futures Trading Commission finalizes rules to carry out the 2010 financial reform act. The House Agriculture Committee has been more vocal on the issue, calling CFTC officials to testify five times in 2011, but members in both committees are concerned that rules will burden utilities and rural small businesses that use financial transactions to hedge their risks. Also, the House committee is expected to advance legislation to keep regulators within the scope of the Dodd-Frank Act.

**EPA regulation:** The House Agriculture Committee will likely continue oversight of U.S. EPA's pollution cleanup diet for the Chesapeake Bay as states draft and implement plans to comply. House committee members have been sympathetic to their concerns. Agriculture groups also expect pesticide permitting and other EPA nutrient and water regulations to play a role this year.

**MF Global:** The House and Senate Agriculture committees ended 2011 holding hearings on the collapse of investment bank MF Global, calling former New Jersey Gov. Jon Corzine (D) to testify. As the year closed, House Agriculture Chairman Frank Lucas (R-Okla.) promised that in the coming months, his committee will “continue to press for information about how customer funds disappeared” and examine whether any changes are needed in the investment banking system.

**Food Safety Modernization Act:** President Obama signed the FSMA, a broad reform of food safety laws, in January 2011. Although the act is not technically under the Agriculture committees’ jurisdiction, agriculture interests and lawmakers will likely react when the Food and Drug Administration releases regulations and call for hearings.

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**Lessons learned from 2011**

House and Senate Agriculture leaders last year attempted to include a farm bill proposal in the congressional supercommittee's deficit reduction recommendations. Although the failure of the supercommittee scrapped the proposal, it gave hints as to where the most intense debates will occur. The proposal showed that lawmakers could come to bipartisan agreement on consolidating conservation and reducing energy spending, but that the bill's commodity title will likely be a headache. And some of the largest agriculture groups stand at opposite ends on a plan to change how the bill helps farmers manage risks such as weather and price volatility. Debate will likely be long and passionate on all sides, and the final version of the bill could look very different from the leaders' proposal.

-- Amanda Peterka
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