

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 17, 2023

Ms. Jamie Pleune
Associate Professor (Research)
S.J. Quinney College of Law
University of Utah
201 President's Circle
Salt Lake City, UT 84112

Dear Ms. Pleune:

Thank you for appearing before the Subcommittee on Oversight and Investigations oversight hearing on Thursday, May 11, 2023 to present testimony on the *"The Biden Administration's Executive Overreach and its Impact on American Energy Independence."*

Your testimony was extremely helpful in defining the Subcommittee's understanding of the issue and I appreciate the effort you took to prepare and present your testimony. While many questions were asked during the hearing, the Subcommittee has additional questions, attached, for your reply.

Please forward your responses to Sophia Varnasidis, Director of Legislative Operations, Committee on Natural Resources at sophia@mail.house.gov by May 31, 2023. Your assistance in meeting this deadline is requested, as failure to meet it will be noted in the printed transcript.

Once again, thank you for your extensive effort in making this a valuable hearing.

Sincerely,



Paul Gosar, D.D.S.
Chairman
Subcommittee on Oversight and Investigations

Enclosure

Committee on Natural Resources
Subcommittee on Oversight and Investigations
Oversight Hearing
1334 Longworth House Office Building
May 11, 2023
2:15 PM

Oversight Hearing titled "The Biden Administration's Executive Overreach and its Impact on American Energy Independence"

Questions from Chairman Bruce Westerman for Jamie Pleune

Can you explain how Congress can modernize and clarify the CEQ regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies by simplifying regulatory requirements, codifying certain guidance and case law relevant to these proposed regulations, revising the regulations to reflect current technologies and agency practices, eliminating obsolete provisions, and improving the format and readability of the regulations?

Yes or no – the study on NEPA implementation you co-authored, *Evidence-Based Recommendations for Improving National Environmental Policy Act Implementation*, only analyzed NEPA decisions completed by the U.S. Forest Service?

- If yes: please explain the limits of extrapolating data and conclusions from a study on one government agency and applying those conclusions to other government agencies.

The study you co-authored on NEPA implementation in the U.S. Forest Service, *Evidence-Based Recommendations for Improving National Environmental Policy Act Implementation*, found that the administrative region had a “significant influence” on decision-making times. Can you explain the regional differences that affected the variation in completion times and why further research is necessary to explain regional differences in decision-making times?

Regarding the study you co-authored on NEPA implementation in the U.S. Forest Service, *Evidence-Based Recommendations for Improving National Environmental Policy Act Implementation*, can you explain the correlation between regional decision-making time and wildfire suppression costs?

- Would additional resources for wildfire management help reduce NEPA decision-making times areas with higher wildfire suppression costs?

Can you provide more information on how America needs permitting reform for transmission lines?

How would having a lead federal agency for permitting benefit getting more energy projects up and running?

Can you further explain permitting delays caused by litigation aversion of agency staff?

How can litigation reform reduce delays caused by litigation aversion by agency staff?

Yes or no – do you agree that the Biden Administration push to electric vehicles, and other so-called “clean energy” technologies, will require an increase in mineral production, i.e. mining?

Yes or no – do you agree that the United States is currently reliant on foreign countries for critical minerals needed to transition to electric vehicles?

Yes or no – are there steps we can take to mine and process more critical minerals in America?

- If yes, what are those steps?
- If no, why not?

Yes or no – the main producers of critical minerals – such as China, Congo, and Indonesia – don’t have nearly the same environmental standards on mining as the United States, correct?

Yes or no – the main producers of critical minerals – such as China, Congo, and Indonesia – don’t have as many protections for human rights or labor as the United States, correct?

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Questions from Rep. Raúl Grijalva for Jamie Pleune

1. Republicans are demanding 22% across-the-board cuts to annual appropriations. How would cuts like those affect the speed of permit processing, which they claim they are trying to improve?
2. What impact does Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All, have on energy independence?
3. Would extending or even expanding the use of fossil fuels make us more competitive or less competitive when compared to countries that are racing towards a renewable energy economy?
4. Would extending or even expanding the use of fossil fuels increase our national security or weaken it?
5. What is the connection between NEPA and energy independence?
6. What would weakening NEPA mean for front line communities, communities that have historically borne a disproportionate burden of environmental harms?
7. Under the Trump Administration the Bureau of Land Management lost significant numbers of experienced staff when they tried to move the agency’s headquarters out of DC. While the Biden Administration has taken important steps to address the bureau’s workforce challenges. Based on your research, would you please explain the expected impact of the Trump BLM relocation on permitting times, and why it is important to provide sufficient and stable funding?

8. You've talked about the importance of staff but have emphasized that certain staff attributes are important as well. What do we need to see in those staff and how can we make that happen?
9. What is the biggest barrier to renewable energy transmission projects, and what is the evidence for that conclusion?
10. My friends on the other side of the aisle have claimed that litigation slows energy projects. What effect does NEPA have on litigation of major energy projects?