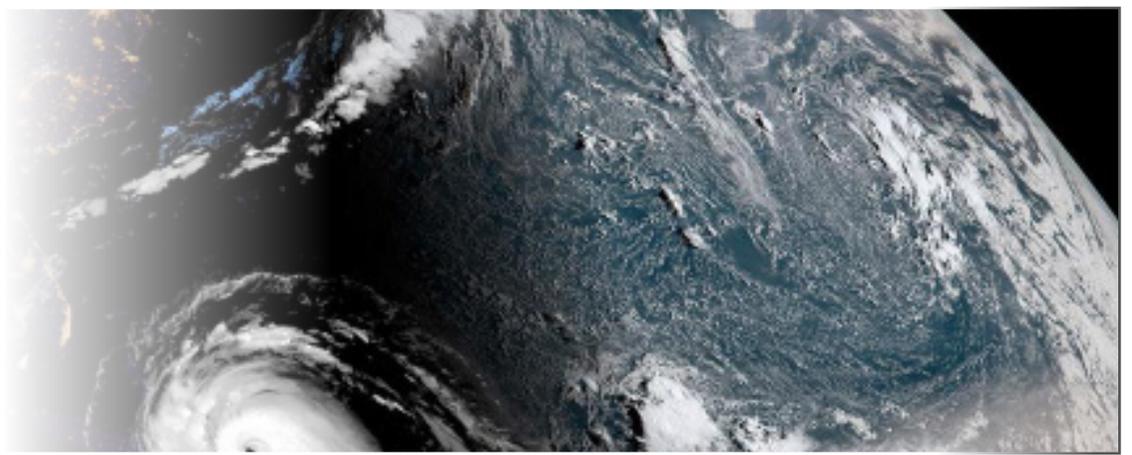


# NEPA AND CLIMATE CHANGE



Addressing climate change is our generation's greatest challenge. Unless we rapidly transition our economy to 100 percent clean, renewable energy in the next 12 years - the time frame set by the world's leading climate scientists - society faces catastrophic consequences.

Extreme heat, severe droughts, and stronger hurricanes are already the new normal for tens of millions of American. Elsewhere in the world, the impacts of climate change have been felt even more severely. Crop yields are declining, coral reefs are dying at astonishing rates, cities around the world are experiencing record numbers of severe heat days.

## ENVIRONMENTAL REVIEWS: THREE KEY RESPONSIBILITIES

- 1. Study and Disclose Climate Impacts:** NEPA requires federal agencies to analyze a proposed project's direct, indirect, and cumulative impacts on climate change.
- 2. Consider climate Justice:** Low-income, minority, and rural communities are on the front lines of climate change. NEPA requires federal agencies to incorporate environmental justice into the environmental review process and analyze the environmental, public health, and social effects a proposed action may have on these communities.
- 3. Build Resilient and More Cost Effective Infrastructure:** Smarter planning is a hallmark of the environmental review process and can go a long way to saving taxpayers millions. NEPA ensures that federal agencies consider the impacts of climate change on federal projects. This allows agencies to recognize and make adjustments, for example, when a road is washed out from flooding that is anticipated to return or get worse with

The National Environmental Policy Act (NEPA) is one of the most significant pieces of legislation guiding federal decision-making helping to reduce carbon emissions and mitigate federal projects' impacts on climate change.

The White House Council on Environmental Quality (CEQ) stressed in 2016 that "Climate change is a fundamental environmental issue, and the relation of Federal actions to it falls squarely within NEPA's focus."

The NEPA review process doesn't just require federal agencies to identify the direct impacts a project will have on the environment and the surrounding community (e.g., pollution from a power plant). NEPA also requires federal agencies to quantify the project's downstream and indirect impacts, including its anticipated carbon footprint and eventual contribution to climate change.

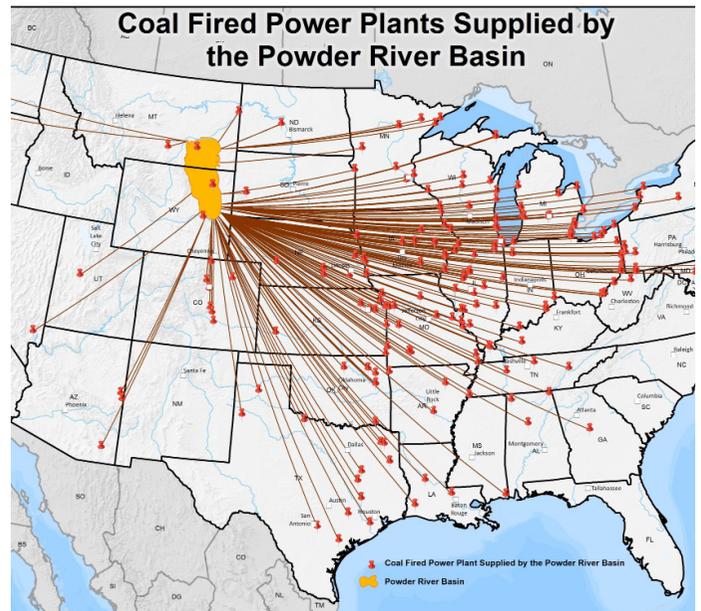
Nowhere is the critical role of NEPA better demonstrated than Congress' work to pass an infrastructure package. Without NEPA, even a fully-funded infrastructure package will fall short because it will not allow for public input or design changes following environmental that help to make critical infrastructure projects climate resilient.

## 2018 KEY NEPA CLIMATE VICTORIES

### Court halts coal leasing in Wyoming's Powder River Basin

A federal district judge ruled in March 2018 that the Bureau of Land Management (BLM) violated the law when it made 80 billion tons of coal available for leasing in Wyoming's Powder River Basin – enough to keep the country's current coal plants burning for another 100 years – without assessing the environmental risks or considering any alternatives.

In his decision, Judge Brian Morris of the US District Court for Montana held, “BLM cannot acknowledge that climate change concerns defined, in part, the scope of the RMP revision while simultaneously foreclosing consideration of alternatives that would reduce the amount of available coal.” (4:16-cv-00021-BMM)



### Federal court stops Keystone XL Pipeline for failing to incorporate climate impacts

The Keystone XL pipeline, first proposed by TransCanada over a decade ago, would pump 800,000 barrels of the world's dirtiest oil out of Canada's Boreal forest each day and carry it from Alberta to refineries on the Gulf Coast.

One of President Trump's first actions was to allow the Keystone XL pipeline to proceed, but subsequent legal challenges under the National Environmental Policy Act have halted construction.

In November 2018, Judge Brian Morris of the U.S. District Court for Montana halted all construction on the pipeline, ruling that the Trump administration “failed to take a hard look” at the cumulative climate impacts in its environmental analysis supporting the pipeline's construction.

“The [State] Department instead simply discarded prior factual findings related to climate change to support its course reversal,” Judge Morris wrote.

## 2018 KEY NEPA ROLLBACKS

### FERC jeopardizes community safety by limiting consideration of climate impacts for pipelines

In May 2018, Federal Energy Regulatory Commission (FERC) commissioners ruled that the agency will no longer consider upstream and downstream environmental impacts, including greenhouse gas emissions estimates, for proposed projects. FERC's practice breaks sharply with recent court rulings, the most prominent of which came in 2017 with the DC Circuit Court of Appeals Sabal Trail ruling, which found that the emissions resulting from burning the natural gas transported by a Commission-approved project are an indirect impact.

### Withdrawal of the White House CEQ's climate guidance increases regulatory uncertainty

In March 2016, CEQ revoked much-needed guidance to assist federal agencies in their consideration of greenhouse gas emissions and the effects of climate change when evaluating their proposed actions in accordance with NEPA. The revocation of CEQ's climate guidance did not change federal agencies' legal obligations to analyze climate impacts, but it did significantly increase regulatory uncertainty for both federal agencies and project applicants.