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

July 13, 2015

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DEMOCRATIC STAFF DIRECTOR

Ms. Christy Goldfuss
Managing Director
Council on Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20460

Dear Ms. Goldfuss:

I write regarding two proposed Environmental Protection Agency ("EPA") rules to reduce carbon dioxide emissions from power plants as part of President Obama's Climate Action Plan. These rules will regulate greenhouse gas ("GHG") emissions from both existing¹ and new² stationary electric utility generating units and are expected to have wide-ranging environmental and economic impacts. In promulgating these Clean Air Act rules, EPA must carefully and lawfully consider all the effects of its rulemaking, including the effects on endangered and threatened species listed under the Endangered Species Act ("ESA"). However, as the rulemaking process concludes, it appears that EPA has not satisfied its obligations under section 7 of the ESA.

The White House Council on Environmental Quality ("CEQ") coordinates closely with federal agencies to further the President's environmental policies and initiatives. As you know, the Climate Action Plan, including EPA's new rules to reduce carbon dioxide emissions, is central to the current Administration's environmental agenda.

Under Rule X(1)(m) of the House of Representatives, the Committee on Natural Resources has jurisdiction over wildlife conservation. In furtherance of its constitutional oversight duties, the Committee has been conducting oversight of EPA's fulfillment of its section 7 consultation obligations pursuant to the ESA.

¹ Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 Fed. Reg. 34,830 (proposed June 18, 2014).

² Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units, 79 Fed. Reg. 1430 (proposed Jan. 8, 2014).

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In order for the Committee to better understand CEQ's role in EPA's determination that ESA section 7 consultation was unnecessary for the proposed rule for existing plants, as well as the decision not to include any ESA analysis in the proposed rule for new plants, please provide the following by Monday, July 27, 2015:

- 1) Copies of all emails, documents, and other communications between CEQ and EPA and/or the Fish and Wildlife Service regarding the Endangered Species Act as it relates to EPA's proposed rules on new and existing power plants.

- 2) Copies of all emails, documents, and other communications within CEQ regarding the Endangered Species Act as it relates to EPA's proposed rules on new and existing power plants.

Instructions and definitions for responding to this request are enclosed. Please have your staff contact Michael Freeman with the House Committee on Natural Resources at (202) 225-7107.

Sincerely,



Rob Bishop
Chairman

House Natural Resources Committee