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TO: Interested Parties

FROM: Brownstein Hyatt Farber Schreck
Energy, Environment and Resource Strategies Group

RE: Energy, Environment and Natural Resources Policy Under a Biden Administration

As of Nov. 7, 2020, former Vice President Joe Biden became the presumptive president-elect of the United States according to projections made by the Associated Press and various other media outlets. The change in administration will bring a shift in the direction of energy and environmental policy. The Trump administration prioritized reducing the burden of environmental regulation as part of regulatory reform efforts. These reforms were met with very vocal pushback from the environmental community. Following the 2018 mid-term election, energy and environmental policy discussions were dominated by debate in the new Democratic House majority over ambitious climate change legislation—such as the Green New Deal championed by Rep. Alexandria Ocasio-Cortez (D-NY). The extremely partisan debate over climate change legislation became a central piece of candidates’ platforms in the 2020 general election. During the election, Biden attempted to find a less controversial approach on environmental policy, eschewing the Green New Deal for his own clean energy and environmental justice plans.

This memorandum will identify what campaign promises made by the Biden administration on energy and environment may be achievable based on the outcome of the 2020 general election. First, this memo will briefly cover the outcome of the 2020 general election—pending state certifications and the outcome of the Georgia U.S. Senate races. Then, this memo will briefly discuss the legislative feasibility of any energy and environment legislation in the 117th Congress. Next, this memo will explore the many expected executive branch actions that will be necessary for the Biden administration to fulfill promises made on the campaign trail. Additionally, some thoughts on the role of courts in assuring or dashing environmental policy hopes will be briefly explored. The role of the new “climate czar” will be briefly discussed. And, Biden transition teams for key agencies such as the Environmental Protection Agency, the Department of Energy and the Department of the Interior will be identified and rumored nominees will be highlighted. Finally, other key agencies and offices will also be explored.

Table of Contents

2020 General Election Impacts on the Biden Environmental Agenda	3
Divided Government a Possibility; Gridlock Likely	3
Green New Deal a No-Go; Tax Policy May Move	3
Committee Shakeups Impact Agenda	3
Rulemaking Reigns as Policy Path	3
Note on the Role of Courts.....	4
National Security Council Will Receive Climate Envoy	4
Council on Environmental Quality.....	5
Transition Team and Possible Nominees	5
Likely Council Priorities	5
U.S. Environmental Protection Agency	5
Transition Team and Possible Nominees	5
Likely Agency Priorities.....	6
U.S. Department of the Interior	7
Transition Team and Possible Nominees	7
Likely Agency Priorities.....	7
U.S. Department of Energy	8
Transition Team and Possible Nominees	8
Likely Agency Priorities.....	9
Other Key Agencies and Priorities	9

2020 General Election Impacts on the Biden Environmental Agenda

Divided Government a Possibility; Gridlock Likely

The Electoral College certifies the winner of the presidential election on Dec. 14, 2020, but all current projections give the election to President-elect Joe Biden. The makeup of the Senate following Election Day, however, is less certain. Control of the Senate is up for grabs with two Georgia runoff elections, which present an uphill climb for Democrats. Before the outcome of the Georgia runoff election is determined in January, the makeup of the Senate for the 117th Congress is projected to be 50-48 in favor of Republicans. This means that Democrats will need to win two seats in Georgia resulting in a 50-50 Senate with Vice President-elect Kamala Harris as the tie-breaking vote. The election results dissolved the expectations of a blue wave that would usher in a clear path for a Democratic legislative agenda. The House Democratic majority also took a hit, losing several frontline moderate seats for the next Congress. While the dust settles on election outcomes, it is becoming clear that a legislative path for enacting a Biden energy and environmental agenda has become much more difficult than many anticipated. Furthermore, with Sen. Mitch McConnell (R-KY) as majority leader, President-elect Biden may have trouble confirming many of his nominees, which could delay or hinder implementation of executive actions.

Green New Deal a No-Go; Tax Policy May Move

Congress is unlikely to move ambitious energy and environment legislation in the 117th Congress. Moderate Democratic senators, such as current Senate Energy and Natural Resources Ranking Member Joe Manchin (D-WV), will need to be on board with any proposal. Tax policy is the one exception to general pessimism over energy and environmental legislation prospects. House Ways and Means Committee Chair Richard Neal (D-MA) has championed his Growing Renewable Energy and Efficiency Now (GREEN) Act. The legislation includes a number of corporate, workforce and individual tax incentives to provide for clean energy growth.

Committee Shakeups Impact Agenda

Each of the critical energy and natural resources committees in the 117th Congress are experiencing a leadership shake-up regardless of what party is in power. Prevented by term limits from serving again as the top Republican on the Senate Committee on Energy and Natural Resources, Chair Lisa Murkowski (R-AK) will be giving up the gavel in 2021. Sen. John Barrasso (R-WY), currently the chair of the Senate Environment and Public Works Committee, will replace Sen. Murkowski. Barrasso has prioritized nuclear energy and carbon capture technologies as solutions to climate change. Sen. Barrasso has long been a champion of oil and gas, coal and wind and will want to see more activity on public lands. During his tenure as chair of the Senate Indian Affairs Committee, he advanced legislation encouraging more widespread energy development on tribal lands. Sen. Barrasso's move will pave the way for Sen. Shelley Moore Capito (R-WV) to be the most senior Republican on the Senate Environment and Public Works Committee.

The top Republican on the House Energy and Commerce Committee, Rep. Greg Walden (R-OR), announced in October 2019 he would be retiring at the end of 2020. The favorites to replace him are Reps. Cathy McMorris Rodgers (R-WA), Michael Burgess (R-TX) and Bob Latta (R-OH). Rep. Rob Bishop (R-UT) is retiring, opening up the ranking member slot on the House Natural Resources Committee. Rep. Raul Grijalva (D-AZ) will remain the chair of the committee for the foreseeable future. A number of members will have interest, with Reps. Bruce Westerman (R-AR), Tom McClintock (R-CA) and Paul Gosar (R-AZ) considered the favorites. These leadership changes could also impact legislative agendas and priorities in the first year of the Biden administration.

Rulemaking Reigns as Policy Path

The Trump administration utilized executive action extensively as it sought to undo many Obama-era policies. There are still more than two months left in the administration and more regulatory actions could be on the horizon. For instance, EPA rules to address cost-benefit analysis under the Clean Air Act and the use of scientific information have long been in the works. Furthermore, the Department of the Interior has explored leasing in the Arctic National Wildlife Refuge (ANWR)—although plans for following through on leasing may be dashed as a Biden administration

would preclude any ANWR development for the next four years. As these “midnight rules” trickle in through the end of the year, it’s important to note that, without the use of the Congressional Review Act in the event of a Republican Senate, a Biden administration will need a significant amount of time to undo these and other executive actions if finalized by the agency.

Because the Biden administration will have a difficult legislative path for its energy and environment goals, executive action will remain the primary tool for environmental regulation and enforcement. The Biden administration will very likely use executive orders, agency rulemaking, and civil and criminal enforcement. However, these executive actions come with drawbacks, including vulnerability to court challenges. Many of the environmental statutes at play have been heavily litigated and are accompanied by a number of related Supreme Court precedents. The 6-3 makeup of the Supreme Court, along with a number of recently appointed conservative justices, could also stymie regulatory actions. Therefore, any agency rulemaking efforts could take up two to three years (even perhaps all of President-elect Biden’s first term) as agency lawyers and political appointees attempt to litigation-proof regulations. As the Biden transition team gets into gear, the analysis below identifies the key regulations that could be prioritized in the new administration.

Note on the Role of Courts

The death of Supreme Court Justice Ruth Bader Ginsberg and subsequent appointment and confirmation of Justice Amy Coney Barrett has further altered the court makeup. At present, the court’s makeup is considered to tilt conservative with the number of justices appointed by Republican presidents versus Democratic presidents standing at 6-3. If the Biden administration remains reliant on administrative rulemakings to advance its environment and natural resources agenda, a number of administrative law principles could come into question.

One such legal principle is *Chevron* deference. The government has often relied on this doctrine to defend agency interpretations of statutes where statutory language is silent or ambiguous but some authority to regulate has been delegated to the agency. The principle arose out of the 1984 Supreme Court case challenging the Reagan EPA’s permissive approach to Clean Air Act regulation, *Chevron U.S.A. v. Natural Resources Defense Council*. Because *Chevron* deference shifts the role of interpreting ambiguous statutory language from courts to agencies, scholars and judges have criticized it as violating separation of powers and shifting power to the administrative state. Justices Gorsuch, Alito and Thomas have expressed concern about the status of the precedent, and it is widely considered to be vulnerable when the court gets a case that presents a vehicle for overturning it.

The new court could also revive the non-delegation doctrine. The non-delegation doctrine holds that Congress is prevented from delegating legislative authority to another branch of government. The principle has long been avoided by the Supreme Court since the 1928 case, *J. W. Hampton, Jr. & Co. v. United States*, which held that congressional delegation of legislative authority is an implied power of Congress that is constitutional *so long as* Congress provides an “intelligible principle” to guide the executive branch. It has been over 85 years since a statute was struck down as unconstitutional based on the non-delegation doctrine. The court again refused to apply the non-delegation doctrine last year in the case of *Gundy v. United States*. However, Justice Brett Kavanaugh did not participate in deciding the case because he was not confirmed at the time oral arguments were held. The makeup of the court was fragmented with four justices willing to examine the nondelegation doctrine anew. With the new 6-3 makeup of the court, the doctrine could be revived.

National Security Council Will Receive Climate Envoy

On Nov. 23, the Biden transition team announced plans to place a special presidential envoy for climate on the National Security Council. Former Secretary of State John Kerry has been tapped to fill this role. Secretary Kerry played a key role in the Paris Agreement negotiations, and will likely lead efforts to rejoin the agreement after the U.S. exited on Nov. 4, 2020. The new role confirms speculation that the administration would select a “climate czar” to elevate the issue as a critical component of the administration’s policy agenda. The White House will now have a central figure responsible for directing national policy on climate, how that role functions across the federal

government remains to be seen. The inclusion of the climate envoy will be the first time there will be personnel dedicated to climate on the National Security Council.

Council on Environmental Quality

The Council on Environmental Quality (CEQ) resides within the executive office of the president and administers the National Environmental Policy Act (NEPA).

Transition Team and Possible Nominees

Cecilia Martinez of the Center for Earth, Energy and Democracy has been tapped as transition team lead for this office. Martinez’s previous positions included associate research professor in the College of Earth, Ocean and Environment at the University of Delaware, associate professor at Metropolitan State University and research director at the American Indian Policy Center. Martinez will bring a focus on environmental justice to the transition planning for CEQ. Martinez has also been rumored to be a possible pick to chair the council. Heather McTeer Toney, a former EPA Region 4 administrator has also been named. McTeer is the former mayor of Greenville, Mississippi, and is the national field director for Moms Clean Air Force.

Transition Team Member	Most Recent Employment
Cecilia Martinez, Team Lead	Center for Earth, Energy and Democracy
Nikki Buffa	Latham & Watkins, LLP
Horst Greczmiel	The Clark Group, LLC
Shara Mohtadi	Bloomberg Philanthropies

Likely Council Priorities

The initial focus of a Biden administration CEQ will likely be repealing and replacing the revised NEPA regulations finalized by the Trump administration in July 2020. The revisions under the Trump administration sought to rein in NEPA-related litigation and reduce environmental review timelines for major federal actions. It is worth noting that the Biden administration is focused on reducing environmental review timelines for clean energy projects in order to reach climate goals. Therefore, revisions to NEPA under a Biden administration may look different from both the Trump administration and the original NEPA regulations. Expect an expanded focus on environmental justice within CEQ.

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency’s (EPA) mission is to protect human health and the environment through enforcement of laws such as the Clean Air Act and Clean Water Act. The EPA is charged with implementing and enforcing a wide variety of environmental laws.

Transition Team and Possible Nominees

Heading up the transition team is Patrice Simms of Earthjustice. Before joining the litigation team at Earthjustice, Simms was a deputy assistant attorney general in the U.S. Department of Justice’s Environment and Natural Resources Division during the Obama administration. He also was an attorney in the EPA’s Office of General Counsel, and later served as a counsel to EPA’s Environmental Appeals Board and as a senior attorney with the Natural Resources Defense Council.

Transition Team Member	Most Recent Employment
Patrice Simms, Team Lead	Earthjustice
Amanda Aguirre	Blue Crab Strategies
Ann Dunkin	Dell Technologies
Matt Fritz	Latham & Watkins, LLP
Lisa Garcia	Grist Magazine, Inc.
Cynthia Giles	Harvard Environmental and Energy Law Program

Joseph Goffman	Harvard Law School
Ken Kopocis	American University, Washington College of Law
Michael McCabe	Self-employed
Billie McGrane	PA Democratic Party
Alejandra Nunez	The Sierra Club
Luseni Pieh	Self-employed

There are a number of rumored nominees for EPA administrator. Mary Nichols, chairwoman of the California Air Resources Board, has been profiled as a frontrunner. Nichols identified strengthening the role of science in rulemaking and Clean Air Act implementation as urgent priorities in a recent interview. Other notables include Heather McTeer Toney, longtime Biden advisor Heather Zichal; Collin O’Mara, president and CEO of the National Wildlife Federation; Gov. Jay Inslee (D-WA) who ran for president on a climate change platform; and Senate Environment and Public Works Committee Ranking Member Tom Carper (D-DE).

Likely Agency Priorities

Clean Air Act (CAA) Rulemakings

- **Affordable Clean Energy (ACE) Rule:** The ACE Rule was issued by the Trump administration to roll back the Obama-era Clean Power Plan (CPP). A Biden administration will seek to undo the ACE rule. The administration could implement another CPP or go another route—either path will likely result in more stringent regulation. Any challenges to a Biden CAA rulemaking could possibly implicate the Endangerment Finding, which requires the EPA to take action to curb emissions of carbon dioxide, methane and four other heat-trapping air pollutants from vehicles, power plants and other industries.
- **Methane:** The Trump administration rolled back Obama-era regulations addressing methane in August 2020 with divided opposition and support from oil and gas companies. The Biden campaign promised to utilize executive authority to require “aggressive methane pollution limits for new and existing oil and gas operations.” Expect the Biden administration to create a strong federal standard on methane emissions under the CAA.
- **Vehicle Emissions:** The Trump administration revised CAFE standards for vehicles with its Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule; expect a Biden administration to undo this. The Trump administration also withdrew an Obama-era waiver under the CAA for California. The CAA waiver allowed California to impose greenhouse gas standards on vehicles and mandate zero-emission car sales; expect the waiver to be reinstated.

Clean Water Act (CWA) Rulemakings

- **“Waters of the United States”:** The Trump administration finalized the Navigable Waters Protection Rule in June 2020, which overturned the Obama-era definition of what constitutes “waters of the United States” and effectively narrowed federal jurisdiction. A Biden administration would likely seek to repeal and replace this rulemaking with a more expansive definition, though the Supreme Court would likely complicate efforts to expand jurisdiction in a manner similar to the Obama era rule.
- **Section 401 Certification:** The revised Section 401 certification rule placed limits on states’ ability to veto projects based on compliance with the CWA. The Biden administration may alter this rulemaking.
- **Section 404 vetoes:** The Trump administration sought to limit EPA authority to veto USACE Sec. 404 permits; expect that veto authority to expand under a Biden administration.

PFAS

- **PFOS and PFOA:** A Biden administration would likely regulate national drinking water limits for perfluorooctane sulfonate, or PFOS, and perfluorooctanoic acid, or PFOA. Also expect a push for waste remediation and other limits for some PFAS. Other regulatory options available include more disclosure requirements, slower approvals for new PFAS chemicals, and regulating disposal of PFAS.

U.S. Department of the Interior

The Department of the Interior conserves and manages federal natural resources, provides scientific information regarding those natural resources, and is charged with managing trust responsibilities or special commitments to American Indians, Alaska Natives and affiliated island communities.

Transition Team and Possible Nominees

Kevin Washburn was tapped to lead the transition team. He is currently the dean of the University of Iowa Law School and previously served as assistant secretary of Indian Affairs at Interior during the Obama administration. He also clerked for the 9th Circuit, served as a federal prosecutor and trial attorney within the U.S. Department of Justice Environment and Natural Resources Division and was general counsel to the National Indian Gaming Commission. Washburn is a member of the Chickasaw Nation of Oklahoma.

Transition Team Member	Most Recent Employment
Kevin Washburn, Team Lead	University of Iowa
Bob Anderson	Harvard Law School
Bret Birdsong	The Nevada System of Higher Education
Shannon Estenoz	The Everglades Foundation
Chris Goranson	Carnegie Mellon University, The Heinz College of Information Systems and Public Policy
Janie Hipp	Native American Agriculture Fund
Kate Kelly	Center for American Progress
Elizabeth Klein	New York University, School of Law, State Energy & Environmental Impact Center
Amanda Leiter	American University, Washington College of Law
Molly McUsic	Wyss Foundation
Maggie Thomas	Evergreen Action
Tanya Trujillo	Colorado River Sustainability Campaign

Possible nominees include three frontrunners from the New Mexico congressional delegation: Sen. Martin Heinrich (D-NM), Sen. Tom Udall (D-NM) and Rep. Deb Haaland (D-NM). Other names in the hat are Gov. Michelle Lujan Grisham (D-NM); former Gov. Steve Bullock (D-MT); former Sen. Mark Udall (D-CO); David Hayes, former deputy secretary of the interior; and House Natural Resources Committee Chair Raúl Grijalva (D-AZ).

Likely Agency Priorities

Renewable Energy Development

- The Biden campaign called for the installation of “millions of solar panels,” including utility-scale, rooftop, and community solar systems, and “tens of thousands of wind turbines,” including offshore, within four years. The campaign also stated it would “[u]tilize existing power lines and rights-of-way—along roads and railways—and cut red-tape to promote faster and easier permitting in order to expand clean electric grid transmission and distribution.” Expect an increase in offshore leasing for wind energy and more policies encouraging the use of public lands and waters for renewable energy uses.

Fulfilling Tribal Trust Obligations and Commitments

- **Health Care:** COVID-19 has hit tribal communities disproportionately, highlighting the need for critical health services in Indian country. Under a Biden administration there will likely be a plan developed for the Indian Health Service (IHS) to address access to care in Indian country. The Biden campaign supported increasing the number of doctors and nurses in Indian country through incentive programs such as scholarship and grant opportunities, as well as student loan forgiveness. You could also see a significant increase in health care access through expansion of broadband for telehealth services.

- **Tribal Energy:** Expect Congress and the Biden administration to continue current investments in tribal energy, including Tribal Energy Development Capacity grants (TEDC) and Energy and Mineral Development Program (EMDP) grants. The administration will likely prioritize tribal renewable or sustainable energy projects such as solar or biomass. There will likely be a push to see large solar projects on tribal lands like the Moapa Southern Paiute Solar Project in Nevada, which was completed during the Obama administration.
- **Fee-to-Trust:** Expect the Biden administration to overhaul the process for federal acquisition of land on behalf of tribes, including streamlining the fee-to-trust application process under regional BIA review, including off-reservation trust applications. It is also likely that there will be movement on fee-to-trust applications in Alaska, which stalled under the Trump administration even after courts lifted the “Alaska Exception.” Also expect the Biden administration to return to the Obama-era interpretation of *Carciere v. Salazar* to determine what tribes may benefit from the Indian Reorganization Act’s (IRA) land-into-trust provisions.

National Monument Designations

- Under the Trump administration, President Obama’s Antiquities Act designations to preserve large portions of Bears Ears National Monument and the Grand Staircase-Escalante National Monument were reversed. Expect the Biden administration to reinstate the Antiquities Act monument designations to prevent natural resource extraction in these areas by rescinding President Trump’s executive order. Litigation over whether a president has statutory authority to withdraw lands already designated is still ongoing.

Great American Outdoors Act

- In 2020, the Great American Outdoors Act was signed into law to provide permanent funding for the Land and Water Conservation Fund and address deferred maintenance on public lands. The National Park Service will likely take the lead on implementation, partnering with other covered entities such as the Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management and the Bureau of Indian Education.

Fish and Wildlife Protections

- Under the Trump administration, regulatory rollbacks were applied to Endangered Species Act rules as well as requirements under the Migratory Bird Treaty Act. Expect modifications to the Endangered Species Act rulemakings and expect an expansion of Migratory Bird Treaty Act protections.

U.S. Department of Energy

The U.S. Department of Energy’s mission is to ensure America’s security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions.

Transition Team and Possible Nominees

Arun Majumdar of Stanford University has been selected to lead the agency transition. Under the Obama administration he was founding director of the Advanced Research Projects Agency-Energy (ARPA-E). For a short time he also served as the acting undersecretary of energy and managed the Office of Energy Efficiency and Renewable Energy, Office of Electricity Delivery and Reliability, Office of Nuclear Energy and the Office of Fossil Energy. He also managed efforts such as Sunshot and the Grid Tech Team. He was also a senior advisor to Secretary of Energy Steven Chu. His selection signals a focus on research and development of clean energy technologies.

Transition Team Member	Most Recent Employment
Arun Majumdar, Team Lead	Stanford University
Dan Arvizu	New Mexico State University
Rhonda Carter	Marguerite Casey Foundation
Madelyn Creedon	Green Marble Group
Noah Deich	Carbon180

Kerry Duggan	Self-employed
Jonathan Elkind	Columbia University
Bryan Garcia	Connecticut Green Bank
Kathleen Hogan	Self-employed
Hannah Lee	State of California, Office of Digital Innovation
John MacWilliams	Columbia University
Brad Markell	AFL-CIO
Trisha Miller	Gates Ventures
Rod O'Connor	The ROC Group
Adrianna Quintero	Energy Foundation
R Ramesh	University of California, Berkeley
Roque Sanchez	High Water Mark, LLC
Dave Turk	International Energy Agency
Rama Zakaria	Environmental Defense Fund

Recent rumored nominees for a Biden Energy Department have included former Iowa Gov. Chet Culver (D-IA). Culver has previously advocated strongly for renewable energy as well as for the biofuels industry. Culver heavily pushed for renewable portfolio standards for states during the Obama administration. Other possible nominees who were rumored early on in the campaign are Gov. Jay Inslee (D-WA) and Rep. Andy Levin (D-MI).

Likely Agency Priorities

More Money for Clean Energy R&D

- **ARPA-C:** The Biden campaign said it would provide \$400 billion in clean energy research and development investments, including the establishment of ARPA-C for technologies such as grid-scale storage and CCUS.
- **Additional Funding Opportunities:** Expect a Biden administration to increase funding opportunities within the department for grid modernization, energy efficiency and renewable energy.

Other Key Agencies and Priorities

U.S. Department of Justice (DOJ): The DOJ will be integral in environmental enforcement matters and the defense of any regulatory rulemakings before the courts. Key appointments critical to enforcement and defending rulemaking actions will be assistant attorney general for the Environment and Natural Resources Division and the solicitor general. The DOJ transition team lead is law professor Christopher Schroeder. The team is dominated by legal scholars and practitioners from large law firms.

Office of Information and Regulatory Affairs (OIRA): The Office of Information and Regulatory Affairs (OIRA) is the central clearing house for rulemaking across the federal government. OIRA is within the Office of Management and Budget (OMB). OIRA will be a key player in setting the regulatory agenda for the Biden administration. A rumored nominee for OMB is Josh Bivens, who is the director of research at the Economic Policy Institute. Prior to this role, he was an assistant professor of economics at Roosevelt University. After receiving his PhD from the New School for Social Research, he provided consulting services to Oxfam America.

U.S. Department of State: Rejoining the Paris Agreement was a stated campaign promise of the Biden campaign. The U.S. Department of State will play an important role when the U.S. rejoins the Paris Agreement. Additionally, the State Department will have a role to play in decision-making related to the Keystone XL pipeline. Revocation of the Keystone XL permit was also promised during the campaign; however, pressure from Canadian allies to keep the project going forward may delay action.

U.S. Department of Commerce: Commerce houses the National Ocean and Atmospheric Administration (NOAA), which provides critical climate science as well as NOAA Fisheries, which is charged with the management and

conservation of the nation's fisheries and aquaculture, marine mammals, endangered species and their habitats. Under a Biden administration you could see changes in interagency cooperation on Endangered Species Act (ESA) biological opinions and an increase in climate science research and messaging.

U.S. Department of Agriculture: The U.S. Forest Service (USFS), within the U.S. Department of Agriculture, is another important land management agency. Policies at USFS under a Biden administration could impact interagency coordination for fast-tracking NEPA reviews, agency interpretation of federal court rulings, such as recent rulings on mining approvals, and the nation's supply of critical minerals, such as copper, necessary for the development of renewable energy. Former U.S. Sen. Heidi Heitkamp (D-MN) is rumored to be a frontrunner for secretary.

U.S. Army Corps of Engineers: The U.S. Army Corps of Engineers is given primary jurisdiction for CWA Section 404 permitting decisions. Expect CWA rulemakings under the Biden administration to also impact USACE 404 permitting.

Federal Energy Regulatory Commission: The Federal Energy Regulatory Commission will see a shift in leadership, but for the first six months of the Biden term the commission will be made up of three Republicans and two Democrats until Commissioner Neil Chatterjee's term expires in June 2021. Anticipate a Democratic FERC looking into the price of carbon and the rules for renewables to supply intermittent energy into the grid.

This document is intended to provide you with general information regarding energy, environment and natural resources policy under a Biden administration. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.

The information in this article is accurate as of the publication date. Because the law in this area is changing rapidly, and insights are not automatically updated, continued accuracy cannot be guaranteed.