

EXTERNAL

Summary of Clean Energy and Nature Investments in the Infrastructure and Jobs Act (aka Bipartisan Infrastructure Bill)

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Climate and Clean Energy

Transportation – emissions reduction

- A \$106.9 billion investment in public transit systems, the largest federal investment to date.
- \$400 million over 5 years in support for reducing local air pollution and greenhouse gas emissions from trucks and other equipment at ports, including through electrification.
- A \$7.5 billion investment to build out a nationwide network of publicly-accessible electric vehicle charging infrastructure through grants and a new formula program.
- Programs to assist in the purchase of electric and low-carbon buses for schools (\$5B) and public transit (\$5.25B).
- A new \$6.4 billion program within the federal highway apportionment that specifically funds projects aimed at reducing carbon emissions from the transportation sector.
- \$200 million for EV battery recycling and second-life applications program

Power Sector

- \$27.65 billion in investments to modernize and improve the reliability and resilience of the electric power grid, including \$50 million for a new Transmission Facilitation Program to facilitate construction of electric power transmission lines and related facilities.
- Preserving existing emissions-free electricity through a \$6 billion program to support safely operating nuclear facilities and \$2.48 billion to support next-generation advanced nuclear reactors through the Advanced Reactor Demonstration Program.
- \$500 million to establish a pilot program to improve the technical and economic viability of developing solar and other clean energy on former mine lands.

Carbon Capture and Storage / Carbon Dioxide Removal

- \$5.1 billion in financial support and R&D funding to scale up carbon capture, utilization and storage and related infrastructure, including a new “CIFIA” lending program modeled after the Transportation Infrastructure Finance and Innovation Act (TIFIA) program.
- \$3.5 billion for four regional hubs supporting deployment of direct air capture, including direct air capture projects, potential carbon dioxide utilization off-takers, connective carbon dioxide transport infrastructure, subsurface resources and sequestration infrastructure.

Methane

- Reduction of methane emissions with a \$4.7 billion program to plug, remediate and restore orphaned oil and natural gas wells.

Energy Efficiency

- Energy efficiency programs that not only reduce emissions but also costs to end users across the residential, public, and commercial buildings through the State Energy Program (\$290 million), Weatherization Assistance Program (\$3.5 billion), Energy Efficiency and Conservation Block Grant Program (\$550 million), and other programs.

Manufacturing

- Support for the manufacturing of clean energy technologies and deployment of cleaner, lower-emissions manufacturing processes through a \$500 million demonstration program and technical support.
- \$3 billion for a Battery Material Processing Grant program to carry out demonstration programs to process battery materials or construct new commercial-scale battery processing facilities or retrofit existing facilities.
- \$500 million to support research and development into critical minerals for manufacturing, including innovative use and reuse as well as alternate mining methods.

Hydrogen

- \$500 million for RDD&D to advance new clean hydrogen production, processing, storage and use
- \$8 billion for development of at least four regional hydrogen hubs in geographically diverse areas

Resilience

Transportation infrastructure

- Definitions for natural infrastructure and resilience

- \$8.7 B (over 5 years) (\$7.3 B formula, \$1.4 B grants) in Transportation resilience planning and project investments (PROTECT).
- \$350M (over 5 years) for wildlife crossing safety pilot program
- Emergency relief that includes natural infrastructure as a tool to build back better
- Builds into National Highway Performance Program a purpose of enhancing the resiliency of the system to climate impacts and includes natural infrastructure as a protective feature that enhances resilience
- Adds as eligible use of block grant funds projects and strategies to reduce wildlife-vehicle collisions, EV charging infrastructure and protective features including natural infrastructure
- \$1B over 5 years (and additional \$4 B is authorized) for culvert removal, replacement and restoration

Wildfire Resilience and Forest Ecosystems

- Federal lands transportation program. Total \$2.195B over 5 years with USFS to get \$24M in FY22, \$25M in FY23, \$26M in FY24, \$27 in FY25, \$28 in FY26 (NPS: \$332M in FY22, \$339M in FY23, \$346M in FY24, \$354M in FY25, \$360M in FY26; FWS: \$366M/year). Sec. 11112.
- Restoring America's forests, watersheds, and rangeland. This bill would:
 - Establish the Legacy Road and Trail Remediation Program, \$250M over 5 years, for restoring aquatic passages, decommissioning unauthorized user-created roads and trails, among other activities.
 - **\$3,369,200,000** for USDA and DOI over 5 years and that would improve 10 million acres in the WUI or public drinking water source areas on federal, tribal, range land having a very high wildfire hazard potential by 2027. Highlights include:
 - \$600M – wildland firefighter salaries and expenses (\$480M/USDA; \$120M/DOI) (Sec. (c)(2))
 - \$1.2M – USDA to publish a map every five years of “at risk communities” (Sec. (c)(6))
 - \$20M – Joint Fire Science Program (Sec. (c)(9))
 - \$100M – CFLRP (Sec. (c)(10)), with limitations on CFLR
 - \$500M – mechanical thinning and timber harvesting in an “ecologically appropriate manner” that maximizes large trees and precommercial thinning of young growth (\$400M/USDA; \$100M/DOI) (Sec. (c)(11))
 - \$500M – USDA wildfire defense grants to states (Sec. (c)(12))
 - \$500M – prescribed fire \$500M (Sec. (c)(13))
 - \$500M – developing/improving control locations, includes fuel breaks (Sec. (c)(14))
 - \$200M – contract labor crews (including CCC) for vegetation management (Sec. (c)(15)) to employ crews to remove flammable vegetation on Federal Land and for using materials from treatments, through use of existing locally based organizations that engage young adults, Native youth, veterans including conservation corps
 - \$200M – post fire restoration for projects that can be completed within three years of enactment (Sec. (c)(16))
 - Creates a new 1) community wildfire defense grants, 2) fuelbreak categorical exclusion up to 3000 acres and 3) category of emergency actions on NFS or adjacent land that would allow for a broad range of projects that would not be subject to NEPA.

- **\$2,130,000,000 for USDA and DOI over 5 years for forest ecosystem restoration**, highlights include:
 - \$300M – \$50M for DOI and \$150M for USDA stewardship contracts for 10K+ acres restore the ecological health on federal land; \$100M to establish a Working Capital Fund.
 - \$200M – State and Indian Tribes good neighbor agreements (\$40M/DOI; \$160M/USDA).
 - \$400M –USDA assistance to facilities that purchase/process byproducts from restoration projects
 - \$400M – DOI state grants for implementing voluntary restoration projects on private or public land.
 - \$50M – USDA state grants for portable skidder bridges rental programs.
 - \$200M – invasive species detection, prevention, and eradication on federal and non-federal lands (split evenly between DOI and USDA).
 - \$100M – restore, prepare, or adapt recreation sites on Federal land (split evenly between DOI and USDA).
 - \$200M – restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land (\$70M/DOI; \$130M/USDA).
 - \$80M – and establish a collaborative-based, landscape scale restoration program to restore water quality or fish passage on Federal land.
- Create a new **collaborative-based, aquatic-focused, landscape-scale restoration program**.
- **New community wildfire defense grants, new hazardous fuels categorical exclusion for fuel breaks and new category of emergency actions.**
- **Establishes Joint Chiefs program and extends Secure Rural Schools through FY2023.**
- Adds additional funding for resilience related to wildfire management over five years, including:
 - \$692M for hazardous fuels (\$178M for DOI/\$541M for USDA – \$50M from DOI/USDA for Tribal Forestry Protection Act)
 - \$575M for Burned Area Rehabilitation program for post-fire restoration and reforestation (\$225M for DOI/\$225M for USDA)
 - \$200M for state and private forestry
 - \$100M to NOAA for wildfire prediction, detection, observation, modelling, and forecasting, half for operations in FY22 and half for procurement available through FY24.
- Establish a **wildfire commission** for study and recommendations on wildfire prevention, mitigation, response, rehabilitation.
- **Enact the REPLANT Act**, which would lift the funding cap for the Reforestation Trust Fund.

Drought Resilience and Sustainable Water Supply Solutions

- The bill includes the following amounts for the Bureau of Reclamation totaling \$8.3 billion, all of which are over the five-year period ending FY26:
 - \$3.2 billion for Aging Infrastructure, of which \$100 million is for infrastructure that has suffered a critical failure and \$100 is for rehabilitation, reconstruction, or replacement of dams

- \$1.15 billion for water storage, groundwater storage and conveyance (includes \$100 million for small storage projects)
- \$1 billion for Rural Water
- \$1 billion for water recycling (includes \$550 million for Title XVI projects and \$450 million for large water recycling projects)
- \$250 million for desalination projects
- \$500 million for dam safety
- \$400 million for WaterSMART Program (includes \$100 million for natural infrastructure projects)
- \$300 million for Drought Contingency Plan (includes \$50 million for Upper Colorado River basin states)
- \$100 million for Cooperative Watershed Management Program
- \$250 million for Aquatic Ecosystem Restoration Program
- \$100 million for multi-benefit watershed projects
- \$50 million for Colorado River endangered species programs
- \$80M through FY24 for NOAA procurement of high-performance computing to advance weather and climate model development to improve drought, flood, and wildfire prediction, detection, and forecasting.
- \$25M over FY23-25 for NOAA National Mesonet Program for acquisition and use of data generated by the Upper Missouri River Basin soil moisture and snowpack monitoring network (authorized in WRDA 2020, supplements ACOE piece). \$1M over 5 years for soil moisture and snowpack monitoring pilot program.

Coastal Resilience and Restoration

- These NOAA funds have been made more accessible, especially to under resourced communities, through the ability to reduce or waive match.
 - \$492M (over 5 years) for NOAA/NFWF Coastal Resiliency Fund to improve resilience of coastal communities to flooding and inundation by restoring natural ecosystems and increasing protection for communities from coastal hazards.
 - \$56M over 5 years Regional Ocean Partnerships to coordinate the interstate and intertribal management of ocean and coastal resources and to implement their priority actions, including to enhance data sharing
 - \$492M for NOAA mapping, observations, and modelling that can protect lives and property during extreme weather events. Includes coastal mapping, Atlas 14, flood inundation maps.
 - \$100M over 5 years for NOAA Ocean and Coastal Observations operations for supporting improved and enhanced coastal, ocean, and Great Lakes observing systems; \$50M for procurement to support this work.
 - \$150M over 5 years for NOAA Marine Debris Program for marine debris assessment, prevention, mitigation, and removal; \$50M over 5 years for NOAA Sea Grant for marine debris prevention and removal.
 - \$491M over 5 years for NOAA for funding and technical assistance to restore marine, estuarine, coastal, or Great Lakes habitat or constructing or protecting ecological features that protect coastal communities from flooding or coastal storms.

- \$400M over 5 years to NOAA for the Community-based Restoration Program to restore fish passage by removing in-stream barriers and providing technical assistance, of which up to 15% shall be reserved for Indian Tribes or partnerships of Indian Tribes.
- \$172M over 5 years Pacific Coastal Salmon Recovery Fund to protect, restore, and conserve Pacific salmon and steelhead and their habitats through competitive funding to states and Tribes.
- \$207M over 5 years for NOAA Coastal Zone Management Program for habitat restoration projects through the state coastal programs including land acquisition through CELCP
- \$77M over 5 years for NOAA National Estuarine Research Reserve System for habitat restoration projects in the NERRs including land acquisition through CELCP
- \$20M over 5 years for NOAA permitting and consultations to facilitate timely implementation of provisions within the bill.

Disaster Resilience

- The bill contributes toward enhanced resilience by investing in:
 - Adds wildfire as eligible under FEMA hazard mitigation grants.
 - \$3.5 B for FEMA flood mitigation assistance under the Flood Insurance program, provides financial and technical assistance to states and communities to reduce risk of flood damage to homes and businesses through buyouts, elevation and other activities.
 - \$1B for FEMA's Building Resilient Infrastructure and Communities, FEMA's predisaster mitigation grant program.
 - \$216 M over 5 years for Tribal Climate Resilience, adaptation and community relocation planning, design, and implementation of projects which address the varying climate challenges facing Tribal communities (\$130 for community relocation and \$86 M is for climate resilience and adaptation projects.
 - \$500M (available until expended) for FEMA disaster revolving loan fund.

Fish and Wildlife Habitat / Geographic Programs

- The bill makes the following investments in water quality protection as well as healthy rivers, fish, and wildlife:
 - \$1.717 billion as follows for EPA's geographic programs to remain available until expended:
 - \$1 billion for Great Lakes Restoration Initiative
 - \$238 million for Chesapeake Bay
 - \$89 million for Puget Sound
 - \$106 million for Long Island Sound
 - \$53 million for Gulf of Mexico
 - \$40 million for Lake Champlain
 - \$24 million for San Francisco Bay
 - \$16 million for South Florida
 - \$15 million for Southern New England Estuaries
 - \$4 million for Pacific Northwest
 - \$79 million for Columbia River
 - \$53 million for Lake Pontchartrain
 - \$132 million for National Estuaries Program to remain available until expended

- \$60 million for actions under the Gulf Hypoxia Action Plan to remain available until expended
- \$500M for USDA NRCS Watershed and Flood Prevention Operations which helps protect restore watersheds up to 250,000 acres and
- \$118M for USDA NRCS Watershed Rehabilitation Programs which helps protect aging dams.
- \$300M USDA NRCS Emergency Watershed Protection Program to repair damages to waterways and watersheds, including purchase of floodplain easements, resulting from natural disasters.
- \$800M per year for 5 years for new transportation grants to states, local governments, and tribes to support replacement, removal, and repair of culverts and weirs that would meaningfully improve or restore passage for anadromous fish.
- \$255M USFWS regional ecosystem restoration, to include the following:
 - \$26M for Delaware River Basin Conservation Act
 - \$162M for Klamath Basin
 - \$17M for implementation of Lake Tahoe Restoration Act
 - \$50M for sagebrush steppe ecosystem
- \$200M USFWS for removing in-stream barriers and providing technical assistance under the National Fish Passage Program

Water Infrastructure

- \$55B – which includes \$23.4B for the bipartisan Drinking Water and Wastewater Infrastructure Act. Provides additional funding to address PFAS and for lead remediation. Supports water infrastructure in Tribal communities by providing \$1.8 billion for the Indian Health Service Sanitation Facilities Construction program.
- \$1.85B - for projects to address combined sewer overflow and stormwater reuse.
- The bill establishes an Indian Water Rights Settlement Completion Fund with \$2.5 billion in funding to complete all currently-authorized Indian Water Rights Settlements.
- The bill includes \$17 billion for U.S. Army Corps of Engineers to remain available until expended, including:
 - \$150 million for Investigations as follows:
 - \$30 million for Planning Assistance to States
 - \$45 million for Floodplain Management Services
 - \$75 million for individually authorized project studies
 - \$11.615 billion for Construction, including:
 - \$2.5 billion for inland waterways
 - \$200 million for water-related environmental infrastructure (e.g., drinking water infrastructure)
 - \$465 million for certain CAP programs, including \$115 million for fish passage and barrier removal
 - \$1.9 billion for ecosystem restoration, including \$1 billion for multi-purpose projects
 - \$2.55 billion for coastal storm risk reduction, including \$1 billion for multi-purpose projects
 - \$2.5 billion for inland flood risk reduction, including \$750 million for multi-purpose projects
 - \$808 million for Mississippi River and Tributaries

- \$4 billion for Operations and Maintenance, including \$40 million for Soil Moisture and Snowpack Monitoring
- \$160 million for the Regulatory Program
- \$251 million for Flood Control and Coastal Emergencies
- \$40 million for General Expenses

Hydropower and Dams

- This bill makes an investment in this effort with:
 - \$125 million to incentivize adding hydropower generation to existing non-powered dams and conduits (Section 242 of EPAct 2005), and
 - \$75 million for hydropower efficiency improvements, such as new low-head turbines (Section 243 EPAct 2005)
 - \$553 million to support grid resilience, dam safety upgrades, and environmental enhancements at existing eligible hydropower facilities - New grant program (Section 247 of EPAct 2005)
 - \$800 M for dam safety: \$67 M FEMA funding for federal agencies and \$658M for grants to states and \$75 through Water Infrastructure Finance and Innovation Act.
 - \$900M for dam removal: \$115M in USACE Aquatic Ecosystem Restoration funding, \$400M in NOAA Community based restoration grant program, \$200M in USFWS for National Fish Passage Program, \$10M for USFS Legacy Roads and Trails for removal of non-hydropower federal dams, \$75M to FEMA for removal of High Hazard Dams Program; \$100M (over 5 years) for BoR

Permitting Reform

- The bill includes S. 2324, the Federal Permitting Reform and Jobs Act, which will lift sunset on FAST-41, which is set to expire in December 2022, and expand and improve upon its current authorities. FAST-41 significantly reformed the federal infrastructure permitting process, while retaining environmental protections. Most significantly, it created the Federal Permitting Improvement Steering Council (Permitting Council), which brings together agencies at the start of the permitting process for some of the largest, most complicated infrastructure projects to prepare a comprehensive plan for the permitting process across agencies.
- The bill also includes the project delivery provisions of the Surface Transportation Reauthorization Act of 2021, which includes numerous permitting reforms for Title 23 highway projects. It will codify One Federal Decision for highway projects, which sets a two-year goal for completing the environmental review and permitting process for major projects and requires agencies to coordinate on a predictable, joint schedule.
- The bill provides a new categorical exclusion in Sec. 11318 for oil and gas gathering lines located on federal and tribal lands. TNC has not engaged deeply on this issue, though partners in the conservation community have expressed concerns about possible negative impacts associated with this new categorical exclusion.
- Sec. 11316 would streamline Section 4(F) by changing the language to presume acceptance if a federal land management agency does not comment by 15 days after the comment deadline. Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which provided for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. The law applies only to the U.S. Department of Transportation and is implemented by the Federal Highway

Administration. Before approving a project that uses Section 4(f) property, FHWA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) properties and that the project includes all possible planning to minimize harm to the Section 4(f) properties; or, FHWA makes a finding that the project has a de minimis impact on the Section 4(f) property.