



Enact Permitting Reform to Ensure Timely Approval for Projects

Background:

Congress has enacted some permitting reforms attached to the *Fiscal Responsibility Act* including, codifying 'One-Federal Decision' on major infrastructure projects, creating page limits for key documents, the creation of E-NEPA, and adding categorical exemptions. While these reforms were a good step, a critical piece, transmission, was missing.

Transmission capacity is the key factor of allowing energy projects to connect to the grid. Permitting hurdles and the lack of transmission buildout have prevented completed energy projects from connecting to the grid or halted projects from completion altogether. Congress must pass transmission permitting reform.

Key Points of the RESTART Act (S. 1449):

- *Set Clear Deadlines, Require Simultaneous Agency Reviews, and Effectively Communicate to Applicants the Materials Required for Certification.* This bill sets a two-year target for National Environmental Policy Act (NEPA) reviews for major energy and natural resource projects and expands the use of shared interagency environmental review documents and allows for concurrent agency review.
- *Codify Key Elements of the "One Federal Decision" Framework.* Congressional approval of this policy would implement timely approval of all infrastructure projects (not just projects of \$100 Million or more), limit permitting review to no longer than two years, and limit the page length of environmental documents.
- *Improve the Clean Water Act Certification Process.* Publicly available requirements and standards on whether to grant or deny a request for permit under Section 401 of the Clean Water Act (CWA) are required under this legislation.
- *Shorten Unnecessary Litigation Delays.* This legislation caps the length of time to bring lawsuits and requires agencies to act within six months on permits to ensure timely delivery of infrastructure projects.

Key Points of the FASTER Act (S. 1804):

- *Approval Timelines Remain Lengthy for Transmission Work.* Currently, it can take a decade or more to build new high-voltage, interregional transmission lines. Fragmented state, local, and federal jurisdiction over transmission siting, lack of coordination and communication between cooperating agencies, inadequate staff resources, failure to secure buy-in from local community stakeholders, and incomplete applications are among the top factors slowing down inter-regional transmission development. This legislation would ensure that the time from the pre-filing process to notice of permit should not exceed three years.
- *There is Dire Need for Additional, Strategically Placed Transmission Deployment.* Additional electric transmission infrastructure is needed in nearly all regions of the country to improve reliability and resilience, address high energy costs, and reduce congestion and constraints. Regions with historically high levels of within-region congestion — the Northwest, Mountain, Texas, and New York regions in particular — as well as regions with unscheduled flows that pose reliability risks — California, Northwest, Mountain, and Southwest regions — are greatly affected. This legislation would expand national interest electric transmission facilities to an already deemed corridor or ensure an electric transmission facility that has a transmission capacity of not less than 345 kilovolts; or 750 megawatts; is located in no fewer than 2 States.
- *Improve the Siting Process.* This bill substantially reforms the role of the Federal Energy Regulatory Commission (FERC) in the transmission process by allowing the Secretary of Energy, at FERC's request, to designate electricity transmission projects as "national interest". This would smooth the process of constructing long-range, inter-regional high voltage transmission lines.

NECA Asks:

- Cosponsor S. 1449, the RESTART Act
- Cosponsor S. 1804, the FASTER Act