



Enact Permitting Reform to Ensure Timely Approval for Projects

Background:

Permitting reform has long been a priority for NECA contractors nationwide. Despite efforts to address reforms to the system, the permitting process has continued to slow down projects of all sizes and scope. The bulk of the permitting process is dictated by the National Environmental Policy Act (NEPA) and Clean Water Act (CWA), two laws enacted in the 1970's that set standards for environmental review on all new projects in the United States. The problem is simple: these laws have not been updated since their enactment to reflect 21st century realities.

The current NEPA and CWA processes take an average of approximately seven years to receive approval. There are many projects that have been shovel-ready, having already secured adequate financing, but due to the length of the environmental review process, power purchase agreements have fallen apart, land use agreements have timed out, and other challenges prompt the full cancellation of the project. Federal permitting reform for energy, minerals, and infrastructure projects is imperative and would allow for projects to come online faster and provide much needed relief to NECA contractors performing this work.

Key Points:

- *Set Clear Deadlines, Require Simultaneous Agency Reviews, and Effectively Communicate to Applicants of Materials Required for Certification.* Congress should set a two-year target for National Environmental Policy Act (NEPA) reviews for major energy and natural resource projects and expand the use of shared interagency environmental review documents and allow for concurrent agency review.
- *Codify Key Elements of the "One Federal Decision" Framework.* Congressional approval of this policy would implement timely approval of energy projects, limit permitting review to no longer than two years, and limit the page length of environmental documents.
- *Improve the Clean Water Act Certification Process.* Set publicly available requirements and standards on whether to grant or deny a request for permit under Section 401 of the Clean Water Act (CWA).
- *Shorten Unnecessary Litigation Delays.* Capping the length of time to bring lawsuits and requiring agencies to act within six months on permits would ensure timely delivery of infrastructure projects.
- *Improve the Siting Process.* Congress should substantially reform 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 in the "national interest". This would smooth the process of constructing long-range, inter-regional high voltage transmission lines.

NECA Asks:

Include comprehensive reforms to the NEPA and CWA permitting processes in a final energy package that will make it less time-consuming, less costly, and more efficient to complete projects. This will allow for major infrastructure, energy, and critical mineral projects to come online and benefit all Americans.