Modernize the Permitting Process for Our Nation's Energy Infrastructure

ENERGY Works For US

Developing energy is a long and capital-intensive process. New energy infrastructure projects require long lead times and collectively up to tens of trillions of dollars in investments. Those investments, and the jobs that follow, require an environment of regulatory predictability to allow business to plan and invest with confidence.

New infrastructure is needed to expand and modernize aging systems and to take advantage of existing and new sources of energy—particularly shale gas, shale oil, oil sands from Canada, and renewables. Unfortunately, America's energy sector is suffering under a lengthy, unpredictable, and needlessly complex regulatory maze that delays—and often halts—the construction of new energy infrastructure.

Infrastructure Expansion Timelines

For many proposed infrastructure projects, an Environmental Impact Statement must be prepared. Between 1998 and 2006, the average EIS for permitting took 3.4 years to complete. These multi-year delays in the permitting phase of a project extend the time that passes before new infrastructure projects can be built and made operational. Compare the time to complete an EIS against time to complete these major projects:

Empire State Building	New Jersey Turnpike	Hoover Dam	Keystone XL Pipeline
			
A little over **1 Year**	**4 Years**	**5 Years**	**???***

* Multiple environmental surveys, along with bureaucratic red tape, have already delayed the approval of Keystone XL by **5 Years**

Policy Recommendations

- ☑ Congress should limit to two years the State Department application review process for proposed projects that would cross an international border with the United States.
- ☑ Congress should pass legislation to streamline and enhance coordination of federal agency administration of the regulatory review, environmental decision-making, and permitting process for major construction activities undertaken, reviewed, or funded by federal agencies. It should prohibit requiring more than one EIS and one environmental assessment per project, except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order.
- ☑ Congress should pass legislation that enhances FERC's authority to site electric transmission infrastructure. Such authority would be consistent with FERC's authority under the Natural Gas Act, which includes eminent domain power and an enhanced ability to work with states to site new energy infrastructure.
- ☑ Congress should pass legislation that modifies DOE's existing authority [granted under Section 216(h) of the Federal Power Act] as the "lead agency" to coordinate multiple federal agencies' permit reviews for an interstate transmission facility. Further, in no case shall the coordinated review process extend beyond two years.
- ☑ Congress and the president should enact legislation similar to the National Strategic and Critical Minerals Production Act of 2012, passed by the House of Representatives in 2012, to streamline the review and approval of exploration and mining permit applications.

Keeping Energy Abundant and Affordable

Much of our energy infrastructure is increasingly inadequate to meet our current and future needs. Ensuring continued access to energy requires a commitment to timely construction of new energy infrastructure projects, new electric transmission infrastructure, and ensuring access to critical raw materials like rare earth metals: 17 metals that, when mined and refined, are used as essential, irreplaceable parts of everything from cars to cell phones to MRI scanners — including power plants. This means we need to:

- ☑ Ensure timely review of projects related to energy infrastructure and development.
- ☑ Encourage federal agencies to streamline their work and better communicate to stop duplicative, wasteful efforts, and to cut "red tape."
- ☑ Stop special interests from abusing the National Environmental Policy Act (NEPA) to slow down projects based on personal preference, not science or a project's merits.
- ☑ Ensure that the overall review of energy and infrastructure projects is more transparent and predictable.

The Keystone XL Pipeline Project has been delayed for five years despite 15,000 pages of review, including formal reviews by the EPA and the State Department, which found that the pipeline would have limited environmental impacts during construction and operation.

Construction and expansion projects are being blocked through the misuse of federal and state statutes and because of a "build absolutely nothing anywhere near anything" (BANANA) mentality.

Want to know more about energy infrastructure? Read the full report, *Energy Works for US.*

ENERGY Works For US

www.energyxxi.org/energyworksforus

Data referenced from the following sources: Piet deWitt and Carole A. deWitt, Environmental Practice 2008; U.S. Government Accountability Office, Rare Earth Materials in the Defense Supply Chain 2010; Behre Dolbear, Ranking of Countries for Mining Investment 2012; U.S. Energy Information Administration

It now takes an average of more than

3 YEARS

TO COMPLETE AN ENVIRONMENTAL IMPACT STATEMENT.

The U.S. has the

2ND HIGHEST

LEVEL OF RARE EARTH OXIDE RESERVES BUT, AS OF 2009, IT DID NOT PRODUCE ANY OF THESE RESOURCES.

The waiting time for a new mining permit in the U.S. is

7-10 YEARS,

RANKED LAST IN THE WORLD.