



**Written Statement of  
JC Sandberg, Chief Advocacy Officer  
American Clean Power Association**

**Before the  
House Committee on Natural Resources  
“Unleashing America’s Energy and Mineral Potential”  
February 8, 2023**

Chairman Westerman, Ranking Member Grijalva, and members of the House Committee on Natural Resources, thank you for the invitation to testify at today’s hearing. My name is JC Sandberg and I am the Chief Advocacy Officer for the American Clean Power Association (ACP), a national clean energy association that unites the power of onshore wind, offshore wind, solar, storage, hydrogen, and transmission companies.

Clean power has become a significant part of our nation’s energy mix. Approximately 15% of our nation’s power comes from wind and solar and today there is enough wind, solar, and battery storage installed across the U.S. to power more than 59 million homes. The industry provides 443,000 American jobs and delivers over \$2.8 billion each year in state and local taxes and landowner lease payments. The industry is poised to see significant growth over the next 10 years with expanded investments in clean energy infrastructure that will unleash further economic growth, create more good-paying American jobs, strengthen the reliability and resiliency of the grid and lower carbon emissions.

This new energy infrastructure is key to providing American consumers with an affordable energy supply that is free from the whims of tyrants and dictators. The infrastructure needed to create American energy independence and deliver economic opportunity needs a pathway forward to timely unlock these benefits.

However, the fact of the matter is, energy development in our country is bogged down by inefficient bureaucracy that is holding back our economy. National Environmental Policy Act (NEPA) reviews can take more than a decade to complete. Unreasonable and unnecessary permitting delays increase costs and reduce overall investment, delaying the economic and national security benefits of energy infrastructure and decreasing energy affordability and reliability.

Failure to enact critical permitting reforms puts an estimated 100 gigawatts (GW) of clean energy projects, risking investment in clean energy projects by \$100 billion over the next decade and blocking the creation of 150,000 American jobs across the country.



America’s energy security can’t afford to be delayed.

Let me be clear: permitting reform cannot and should not mean undercutting our environmental standards as some suggest. It is possible, without sacrificing the intent and purpose of those environmental laws, to focus on changes to the permitting process that make project approvals more efficient, predictable, and coordinated.

Commonsense reforms can expedite permitting timelines, increase transparency and accountability, and promote best practices while reducing duplication of effort and red tape.

### **Permitting Timelines**

Successful deployment of wind, solar, storage, and transmission projects requires a predictable, timely, and cost-effective permitting framework. However, the current process is anything but. It takes an energy generation project – like a new solar or wind farm an average of 4.5 years to obtain necessary NEPA reviews.<sup>1</sup> Transmission project reviews take an average of 6.5 years.<sup>2</sup> These delays are largely due to procedural inefficiencies in implementation rather than problems with the law itself.

This has a chilling effect on the development of vital energy infrastructure projects: delays create uncertainty and raise costs for project developers, as projects are typically not allowed to move forward until the NEPA analyses are finished. Meanwhile, loans and other obligations must be paid and materials must be purchased and stored. There is also lost opportunity costs—money invested in a project waiting to break ground could be invested somewhere else creating employment opportunities and affordable power. Additionally, these delays can have ripple effects throughout the economy—throwing off project timelines, domestic supply chains, and the indirect jobs and economic activity that would otherwise occur.

While NEPA’s reach extends to any projects that need federal clearance, the burden of its prolonged timelines falls especially hard on energy production on federal lands and waters. For offshore wind, the best resources are almost exclusively found in federal

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<sup>1</sup> Executive Office of the President, Council on Environmental Quality, Environmental Impact Statement Timelines (2010-2018) (2020), 1, [https://ceq.doe.gov/docs/nepa-practice/CEQ\\_EIS\\_Timeline\\_Report\\_2020-6-12.pdf#:~:text=Based%20on%20its%20review%2C%20CEQ%20found%20that%20across,and%20one%20quarter%20took%20more%20than%206.0%20years.](https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2020-6-12.pdf#:~:text=Based%20on%20its%20review%2C%20CEQ%20found%20that%20across,and%20one%20quarter%20took%20more%20than%206.0%20years.)

<sup>2</sup> Staff of the Federal Energy Regulatory Commission, Report on Barriers and Opportunities for High Voltage Transmission (2020), <https://www.congress.gov/116/meeting/house/111020/documents/HHRG-116-II06-20200922-SD003.pdf>.



waters, subjecting projects to protracted NEPA reviews. These delays have already significantly slowed deployment of the U.S. offshore wind industry and jeopardized current projects.

Onshore clean energy projects can be located on public or private lands. Since 2015, less than 1,000 megawatts (MW) of solar photovoltaic and 220 MW of onshore wind projects have been deployed on public lands.<sup>3</sup> In the same period, 42,900 MW of utility-scale photovoltaic and 64,900 MW of onshore wind were built across the country.<sup>4</sup> This is the case even though public lands have immense and largely untapped capacity to host clean energy projects.<sup>5</sup> Ultimately, the time, complexity, and expense of going through the federal clearance process makes development on federal lands less competitive than on private lands.

We cannot afford to let our unnecessarily burdensome permitting process derail the promise of tapping into our abundant natural energy resources on public, as well as private, lands.

### **Commonsense Permitting Reforms to Expedite Timelines**

The clean power industry was encouraged by the Transparency and Production (TAP) of American Energy Act that Chairman Westerman introduced in the last Congress. This legislation contained commonsense reforms that would advance clean energy infrastructure deployment in the U.S., such as expediting the NEPA review process and eliminating requirements for duplicative review and analysis.

Specifically, ACP supports the following provisions from that legislation:

- Requiring the completion of NEPA Environmental Assessments within one year and Environmental Impact Statements within two years for all energy projects, which will help support the timely completion of these reviews.
- Clarifying that “major federal actions” under NEPA are limited to those projects that are on federal land and subject to federal control, which would focus the limited resources of agencies on the actions that are within their control.

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<sup>3</sup> Bureau of Land Management. Wind Energy Rights-of-Way (ROW) on Public Lands. May 2021. [https://www.blm.gov/sites/blm.gov/files/docs/2021-05/PROJECT%20LIST%20WIND\\_May2021.pdf](https://www.blm.gov/sites/blm.gov/files/docs/2021-05/PROJECT%20LIST%20WIND_May2021.pdf).

<sup>4</sup> American Clean Power Association. Clean Power IQ. Data Accessed 9/21/21, *available at* <https://cleanpoweriq.cleanpower.org>.

<sup>5</sup> Yale Center for Business and the Environment et al., Key economic benefits of renewable energy on public lands (May 2020), p.15 <https://cbey.yale.edu/research/key-economic-benefits-of-renewable-energy-on-public-lands>.



- Clarifying that certain projects within existing rights-of-way will not trigger NEPA review, which will help expedite projects in areas where the impacts have already been adequately assessed.
- Requiring reliance on prior environmental analysis if an action is substantially similar to a prior action, which will reduce duplicative efforts and help speed up project development.
- Allowing for energy corridor expansion, which would expedite the studying and designation of areas for delivering vital energy.
- And allowing agencies to accept funds from outside parties to pay for dedicated permitting staff, which would provide additional resources to help process permits.

Along with these reforms, ACP urges Congress to consider other NEPA reforms to: (1) expand the use of categorical exclusions to accelerate projects that do not pose significant impacts to the environment; (2) establish a lead agency to spearhead environmental reviews; (3) create conflict resolution procedures to ensure issues are directed to appropriate officials; (4) establish requirements that federal agencies cooperate with state, tribal, and local governments to reduce the risk of duplication of reviews; and (5) clarify that an agency should not consider NEPA alternatives that are technically and/or economically infeasible. ACP looks forward to continued work with Congress on these important permitting reforms.

## **Conclusion**

Addressing our permitting challenges at the federal level will be critical to the future development and deployment of domestic clean energy.

Without reforms to ensure reasonable timelines, crucial investments in American infrastructure will be delayed, and in some cases diverted. The good news is that we can fix it. Commonsense process reforms to NEPA can help unlock energy infrastructure and American investment and jobs while protecting the environment. To that end, various provisions outlined in the TAP Act and other thoughtful permitting proposals will help encourage the timely deployment of clean energy infrastructure across the country, creating American jobs, as well as enhancing grid reliability, strengthening energy security, and a host of other benefits.



If our objective is true energy independence and economic growth, let's play the hand we've been dealt – which is an abundance of natural resources and the American ingenuity to capture it.

ACP looks forward to continuing to work with this Committee and Congress on these important issues.

Thank you for the opportunity to testify today. I look forward to responding to your questions.