



Written Statement of Gene Grace
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Before the Subcommittee on Energy and Mineral Resources
House Natural Resources Committee
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Chairman Stauber, Ranking Member Ocasio-Cortez, and Members of the Subcommittee, thank you for the invitation to testify at today’s hearing in favor of the *Right of Way Application Transparency and Accountability Act* (“ROWATA”) and, more generally, about the need for reforming the permitting process for clean energy projects on federal public lands.

My name is Gene Grace, and I am the General Counsel for the American Clean Power Association (ACP). ACP represents nearly 800 companies focused on deploying utility-scale clean energy. We unite the power of solar, onshore and offshore wind, storage, green hydrogen and transmission developers, along with manufacturers and construction companies, owners and operators, utilities, and corporate purchasers of clean energy.

Our nation is on the precipice of a breakthrough in domestic energy production. Seizing this opportunity is dependent on the continued strength in traditional energy production with unleashing a massive deployment of a wide range of clean energy technologies.

Clean power has already become a significant part of our nation’s energy mix. Approximately 15 percent 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, supporting jobs in every state in our country, and delivers over \$2.8 billion each year in state and local taxes and landowner lease payments.

Over just the last 14 months, we have seen massive capital investments and commitments to accelerate the deployment of a wide range of clean energy — resulting in more than 230 major clean energy projects, more than \$200 billion in private-sector investments, and more than 80,000 jobs announced across 40 states. The industry is poised to see further 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.

The challenge we face today, though, is a system of regulations and procedures that are slowing the private sector from modernizing our energy production and, in turn, making it hard to realize our nation’s energy security, and reliability imperatives. For instance, it often takes more than a decade to permit high-capacity transmission lines across public lands, driving away private investments.

These delays are largely due to procedural inefficiencies in processing permits and have ripple effects throughout the economy — throwing off project timelines, domestic supply chains, and the indirect jobs and economic activity that would otherwise occur. Without further permitting



reform, the United States may not be able to meet our growing energy demand and could fall short of its potential to unlock more than \$3 trillion in clean energy investments over the next decade. That is why ACP has been and will continue to be a strong advocate for permitting process reforms that will expedite timelines, increase transparency and accountability, and reduce duplication and bureaucratic red tape.

A case in point is permitting energy projects on federal public lands. While these lands have the potential to play an integral role in supporting the energy transition, because of outdated, burdensome, and lengthy permitting processes, they are being vastly underutilized. The Bureau of Land Management (BLM) manages 245 million acres of land with the potential to host tens of thousands more megawatts of clean energy.¹ However, as of 2023 a little over 60 solar and wind projects have been approved on BLM lands.

This underutilization is made especially clear when contrasting clean energy development on public lands with that on private land. Since 2015, less than 1,000 megawatts (MW) of solar photovoltaic and 220 MW of onshore wind projects have been deployed on public lands.² In the same period, 42,900 MW of utility-scale photovoltaic and 64,900 MW of onshore wind was built on private lands across the country.³

Reforms to the way in which renewable energy is permitted on these lands, including the pace at which rights of ways (ROWs) are reviewed, is the key to ensuring that these lands are an attractive option for developers.

The good news is that we do not need to reinvent whole new processes nor erode our bedrock environmental laws to support energy development on public lands. Process reforms, like ROWATA, can successfully unleash deployment of well-planned, predictable, and coordinated development of clean energy resources, as well as other critical infrastructure, on federal public lands without putting our environment at risk.

ROWATA Helps Deliver Key Reform to the Permitting Process for Critical Infrastructure on Public Lands

ROWATA builds on the process reforms enacted in the Fiscal Responsibility Act (FRA). While the FRA timelines improve inefficiencies and certainty around the environmental review process, there is still a need for the other phases of the permitting process, to have a predictable time frame.

¹ YALE CENTER FOR BUSINESS AND THE ENVIRONMENT ET AL., KEY ECONOMIC BENEFITS OF RENEWABLE ENERGY ON PUBLIC LANDS (May 2020), p. 15, https://www.wilderness.org/sites/default/files/media/file/CBEY_WILDERNESS_Renewable%20Energy%20Report_0.pdf.

² 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.

³ American Clean Power Association. Clean Power IQ. Data Accessed 9/21/21, available at <https://cleanpoweriq.cleanpower.org>.



Today, the average timeline for a project to obtain a ROW is often over 5 years, largely due to the delays between filing an application and getting to the Notice of Intent to begin the environmental review process. This act is a start at reducing that time frame by improving the timeliness and transparency of the ROW application process.

As a general rule, a ROW is needed whenever a developer wishes to build on public land. It is an authorization to use a specific piece of public land for a certain project, such as roads, pipelines, transmission lines, solar or wind farm, and communication sites. It is typically granted for a term that covers the life of a project.

BLM strives to provide ROW applicants a decision within 60 days from the receipt of a *completed* application or inform the applicant within 30 days if processing will take longer than that time and provide a specific date by which such a determination will be made. However, there is no timeline in place for a determination to be made regarding whether an application is deemed complete or deficient. There are also no firm standards in place to advise applicants what information is needed to achieve a “completeness” determination.

Without any such deadline, there is no incentive (and potentially a disincentive) to make a determination that the application is complete, as it starts that clock running on the need to approve or deny the application. Not surprisingly, just getting a decision as to whether the application is complete can take more than half a year, and even longer in certain circumstances. In short, projects can be significantly delayed by a process that should entail a relatively easy “check-the-boxes” exercise of determining whether an application is complete and ready for processing.

These types of delays and uncertainty serve to deter deployment of clean energy infrastructure on public lands, as increased time translates into increased costs for a project. By requiring a notification as to whether a ROW application is complete or deficient within 60 days, this bill will minimize these delays and increase transparency, as well as expediting the time in which a decision approving or disapproving a project can be expected.

To further improve the ROW application process, ACP recommends the bill be expanded to require that BLM inform an applicant as to why an application was found deficient and to clarify what needs to be submitted for the application to be determined complete. Such a requirement would allow developers to timely correct a deficiency.

Further Reforms to Make Clean Energy Development on Public Lands More Attractive

If we are to truly unleash America’s diverse energy resources, including clean energy, we must speed up the federal permitting process from start to finish. While ROWATA would help address a specific issue related to the ROW application process, more needs to be done across the board to improve timelines for the entire permitting process on public lands. To that end, ACP recommends this Committee also pursue legislation that would ensure the timely review and



processing of *all* the decision points related to permits. Specifically, ACP recommends consideration of the following:

- Passing the bipartisan Public Land Renewable Energy Development Act (PLREDA), which would expedite the permitting process for wind, solar, and energy storage development on federal lands, as well as provide a revenue sharing mechanism that would ensure a fair return for states, counties, conservation, and taxpayers and incentives for development on “priority” lands and “development” lands.
- Strengthening Renewable Energy Coordination Office authority to ensure faster approval of renewable energy projects on BLM lands.
- Passing an increased renewable permitting target for public lands, which builds upon the target in the Energy Act of 2020.

It is also important to recognize that improvements to regulations can only go so far if BLM offices are understaffed, do not have the appropriate expertise on staff, and/or do not prioritize ROW applications. To that end, Congress should continue to work with BLM to ensure it has the necessary skills and improved coordination efficiencies needed to effectively manage an increasing clean energy workload and to effectuate additional responsible deployment of clean energy on public lands.

Conclusion

ACP strongly supports permitting process reforms, such as ROWATA, that are vital to unleashing our nation’s clean energy potential across the United States. The increased certainty provided by this commonsense bill will encourage timely development of clean energy projects on federal public lands — commensurate with their potential to host clean energy. This will, in turn, help the nation achieve Congress’ direction in the Energy Act of 2020 to permit 25 gigawatts of clean energy on public lands by 2025, thereby reducing electricity costs, improving energy security, enhancing grid reliability, reducing emissions, and creating good-paying jobs for Americans.