May 11, 2023

The Honorable Joe Manchin, Chairman
U.S. Senate Committee on Energy and Natural Resources
United States Senate
307 Dirksen Office Building
Washington, DC 20510

The Honorable John Barrasso, Ranking Member
U.S. Senate Committee on Energy and Natural Resources
United States Senate
307 Dirksen Office Building
Washington, DC 20510

Senators Manchin and Barrasso:

On behalf of ConservAmerica, a non-profit organization dedicated to market based, common sense solutions to our nation's environment and energy challenges, I write in support of meaningful legislation to reform and modernize our nation's permitting process.

A cleaner, sustainable, and prosperous future requires the deployment of new, lower emissions sources of energy, and the expansion and modernization of our aging infrastructure system. While Congress has made significant resources available toward these ends through the Energy Act of 2020, the Infrastructure Investment and Jobs Act, the CHIPS and Science Act, and the Inflation Reduction Act, our existing permitting and regulatory approval processes are sidelining resources, stopping projects, and limiting the benefits of those policies.

America has made great strides in protecting its natural resources, expanding clean energy and manufacturing technologies, and in protecting public health and safety. Yet, many of the laws that helped pave the way for these successes were adopted nearly fifty years ago and need to be modernized to adapt to the scale and pace of today's challenges. As it stands now, the inefficiencies and uncertainties embedded within the permitting process are thwarting economic development, limiting our ability to make environmental and infrastructure improvements, and creating unacceptable risks to public health and safety.

The scope of the problem spans the economy and includes transportation projects that would move people and goods more efficiently; energy production, transmission, and distribution upgrades that would reduce emissions and increase reliability and affordability; advancements in information technology that would help keep our competitive edge and expand access to all Americans; water infrastructure improvements and access to safe drinking water; and land and forest management practices that would improve agricultural productivity, help contain wildfires, and reduce the impact of extreme weather events like flooding and droughts.

Given the scale and breadth of the challenges we face, it is simply unacceptable that government approval processes for these projects are the single biggest obstacle to action; meanwhile, the problems these projects are intended to solve get worse, and the direct and indirect financial costs of inaction compound. America is prepared to meet today's environment, energy, and infrastructure challenges. But these are problems that we must *build* our way out of, and we need to act now.

Fortunately, members of this Committee are now focused on permitting reform, and there are several proposals on the table that would provide relief while simultaneously protecting our environment, public health, and historic resources. These include provisions within the U.S. House of Representatives' recently passed H.R. 1, the "Lower Energy Costs Act"; Senator Manchin's "Building American Energy Security Act"; Senator Barrasso's "Spur Permitting of Underdeveloped Resources (SPUR) Act"; and Senator Capito's "Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act."

As members of this and other committees of jurisdiction weigh the specific policies to adopt, we ask that any legislation include reasonable, predictable, and enforceable timeframes for agency action; improved transparency requirements, and measures that provide project developers with sensible assurances that their investments will not be left stranded by excessive or frivolous litigation, or arbitrary and capricious actions. In addition, we believe the legislation should be broadly applicable to the dozens of existing laws and regulatory requirements at issue; it also should not be limited to specific technologies or industries.

ConservAmerica applauds you for your hard work and dedication to addressing this issue and stands ready to assist you and your staff in passing legislation.

Sincerely,

Todd Johnston
Vice President

Copy: Senator Carper, Chair, Committee on Environment and Public Works
Senator Capito, Ranking Member, Committee on Environment and Public Works