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Energy Permitting Reform: National Governors Association Bipartisan Working Group Announces Priorities

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The National Governors Association (“NGA”) released a package of what is described as:

... priorities to improve federal permitting and regulatory processes for critical energy infrastructure projects.

An October 28th letter was submitted to the relevant Congressional committee leaders requesting enactment of:

... reforms to ensure federal permitting processes are streamlined and administered in a technology-neutral and apolitical manner that allows energy projects of all types to move forward.

The letter was submitted to the following:

- Hon. Mike Lee, Chairman and Hon. Martin Heinrich, Ranking Member
- Senate Committee on Energy and Natural Resources
- Hon. Brett Guthrie, Chairman and Hon. Frank Pallone, Jr., Ranking Member
- House Committee on Energy and Commerce
- Hon. Shelley Moore Capito, Chairman and Hon. Sheldon Whitehouse, Ranking Member
- Senate Committee on Environment & Public Works
- Hon. Bruce Westerman, Chairman and Hon. Jared Huffman, Ranking Member
- House Natural Resources Committee
- Hon. Sam Graves, Chairman and Hon. Rick Larsen, Ranking Member
- House Committee on Transportation and Infrastructure

The bipartisan Governors Energy and Infrastructure Working Group, on behalf of all 55 states and territories, is stated to have included:

- Oklahoma Governor Kevin Stitt – NGA Chair, working group co-chair
- Pennsylvania Governor Josh Shapiro – working group co-chair
- Maryland Governor Wes Moore – NGA Vice Chair
- Colorado Governor Jared Polis
- Connecticut Governor Ned Lamont
- Indiana Governor Mike Braun
- Louisiana Governor Jeff Landry
- Massachusetts Governor Maura Healey
- North Dakota Governor Kelly Armstrong
- Rhode Island Governor Dan McKee

- Tennessee Governor Bill Lee
- Utah Governor Spencer Cox
- Wyoming Governor Mark Gordon

Key topics in the list of priorities include:

- Cross-Cutting Reforms
- Streamlining Federal Agency Reviews
- Reforms to the National Environmental Policy Act (“NEPA”)
- Lead Agency Adjustments
- Expanding Categorical Exclusions
- Ensuring Timely Reviews
- Reducing Legal Uncertainty
- Reforms to Interstate Energy Transmission
- Enhancing Electric Transmission
- Improving RTOs/ISOs
- Additional Reforms
- Adopt the lead agency model for pipeline projects.
- Codify rules clarifying the extent to which consideration of the up- and downstream effects of projects is required.
- Reforms to Nuclear Energy Regulation
- Nuclear-Specific NEPA Reforms
- Licensing Improvements
- Additional Reforms
- Speed up permitting, testing, authorization and production of nuclear fuel facilities and nuclear fuels.
- Streamline and centralize digital application submission, tracking, communications, and supporting information.
- Allow NRC to certify states to perform parts of the siting review, with clear delineation of responsibilities and processes, in exchange for the state assuming responsibility for litigation arising out of siting decisions that are currently under NRC’s jurisdiction.
- Reforms to the Clean Water Act
- Improved State-Federal Alignment
- Improved Procedures

A copy of the priorities can be downloaded [here](#).