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INSIGHTS

All I Want For Christmas Is….Permitting Reform

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In this episode of the Environmental Law Monitor, ***Liam Donovan*** and ***Christine Wyman*** from Bracewell's Policy Resolution Group join host ***Daniel Pope*** to discuss permitting reform and what that looks like during the lame duck session on the Hill.

What are we talking about with permitting reform and what is it?

In a global sense, we're talking about permitting reform. But then, earlier this year, we saw particularly Senator Manchin, chair of the Senate Energy and Natural Resources Committee, put pen to paper and put together a proposal that was circulated and tried to be included in funding bills. But Senator Manchin's bill is seen as the starting place right now for when people are talking about permit reform within Congress. It has a lot of different provisions and some coordination provisions. Some things would change how energy projects are permitted.

Why is there a push to clean up "waters of the United States issues" under the Clean Water Act when we heard about that from the Trump administration every day for four years?

One of the cornerstones of their domestic policies is clean energy. Clean energy projects require much of the same reviews and authorizations that traditional energy projects require. It's in the administration's best interest to ensure that that's a predictable and efficient process so that they can move out those energy infrastructure projects swiftly. There's a lot of cross-over between those types of energy infrastructure projects. That's why the administration is interested in building out of transmission lines or carbon dioxide pipelines that are associated with carbon capture utilization and sequestration.

What are the dynamics for seeing some permitting reform legislation this legislative session? What do we have to look forward to when the new representatives and senators arrive on the Hill?

There's really two loose ends that Congress needs to wrap up. The first is government funding, which is not on track to be dealt with by the mid-December deadline. They're going to have to build in another week or two weeks. That is being targeted as an opportunity to move some other policies, potentially a tax title or something along those lines. The other is the defense authorization bill. That is usually a consensus piece of legislation. There's usually a House version, a House Democratic version, and a Senate version that has to be more bipartisan by virtue of the way that chamber works. There's no formal conference because the Senate didn't pass their version. That's typically how these things work so that's what makes it a little bit tricky.

Have questions about permitting reforms? Contact ***Daniel Pope***, ***Liam Donovan*** and ***Christine Wyman***.

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