

NHA Review as of June 5, 2023	NEPA	CWA 401	ESA	FERC Hydro Licensing	Miscellaneous
Fiscal Responsibility Act of 2023	<ul style="list-style-type: none"> -2 year limit on conducting Environmental Impact Statements. -1 year limit on Environmental Assessments, -designated lead federal agency. -Note: no changes in judicial review. 				Directs NERC to study interregional transfers.
Promoting Efficient and Engaged Reviews Act (PEER Act - Sens. Carper and Schatz)	<ul style="list-style-type: none"> -Expands use of Programmatic environmental reviews. -Expands uses of categorical exclusions under NEPA "with significant environmental benefits and no significant adverse effects, to include habitat restoration activities and removal or remediation of contaminants". -Could incorporate by reference prior studies from states and tribes (e.g., CEQA). -Shortens statute of limitations for NEPA litigation to 3 years from 6. 				<ul style="list-style-type: none"> -Clarifies a lead agency may consider Community Benefits Agreements to offset adverse impacts or to address legacy harm. -Also has review standards for Nationally Significant Projects but doesn't define what those projects are like Manchin's proposal.
Building American Energy Security Act of 2023 (Sen. Manchin)	<ul style="list-style-type: none"> -2 year limit on conducting Environmental Impact Statements. -1 year limit on Environmental Assessments, -designated lead federal agency. -150-day statute of limitations for court challenges. -If court remands or vacates permit, must set schedule for agency to act on remand not to exceed 180 days. 				<ul style="list-style-type: none"> -Directs the President to designate and periodically update a list of 25 high-priority energy projects and prioritize permitting for those projects (includes "renewables" and "storage")
Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency Act (RESTART Act - Sen. Capito)	<ul style="list-style-type: none"> -2 year limit on conducting Environmental Impact Statements, -1 year limit on Environmental Assessments, -designated lead federal agency. -60-day statute of limitations for court challenges. -Appellate review should be issued within 180 days. -If court remands or vacates permit, must set schedule for agency to act on remand not to exceed 180 days. -Requires random assignment of cases. 	<ul style="list-style-type: none"> -Limits certification authority to the discharges, overruling the 1994 Supreme Court case that said certification authority extends to the entire activity being licensed. -Makes enforcement of conditions optional for the federal permitting agency -Prohibits judicial review of waivers of certification. -Reiterates one-year limitation for decision but allows applicant and certifying authority to extend if requested by applicant. -for specific/individual licenses, certifying authority "is authorized" to explain why it denies the certification. -for generic licenses/permits, the certifying authority "shall explain" why it denied the permit. -If a court vacates a certification, certifying authorities will have 180 days to act on remand. 	<ul style="list-style-type: none"> -Shortens ESA Section 7 Consultation requirements from 90 to 60 days. -Allows for states to run the Sec. 7 consultation process. 		
Spur Permitting of Underdeveloped Resources (SPUR Act - Sen. Barrasso)				<ul style="list-style-type: none"> Extends commence construction deadline for licenses issued before 3/13/2020 from 8 years to 12 years. 	<ul style="list-style-type: none"> -Currently, Section 205 filings where orders aren't issued after 60 days are approved under operation of law. This would change the language to reject those filings. -Remove presidential permits for international infrastructure.
House New Democrat Coalition Proposal	<ul style="list-style-type: none"> -CEQ would designate lead agency for environmental reviews. 			<ul style="list-style-type: none"> -Streamlines hydropower licensing for retrofitting non-powered dams and closed loop pumped storage. -Enhances tribal authority. 	<ul style="list-style-type: none"> -Creation of independent transmission monitor. -Allow utilities to allocate costs associated with Non-Wires Alternatives for the purposes of cost recovery through transmission rates. -Numerous other items relating to transmission.
HR 1 - Lower Energy Costs Act	<ul style="list-style-type: none"> -Claimants must participate in NEPA process before filing suit and do so within 120 days. -Codifies Trump Era NEPA rules -Any claimant seeking judicial review of a permit/license/etc. must do so within 120 days of final agency decision 	<ul style="list-style-type: none"> - Limits 401 certification to activities that directly discharge and not the "activity" where there are discharges. -States can either grant or deny certification instead of "act on". Appears to retain waiver provisions. -Requires certifying authorities to publish requirements for 401 certification after the bill passes. -Within 90 days of request, certifying authorities can request additional information from applicant. 			<ul style="list-style-type: none"> -Presidential permits would no longer be required and existing ones could not be revoked.
* Red is provisions that merit additional discussion with NHA members					