



American  
Petroleum  
Institute



June 27, 2023

The Honorable Joe Manchin  
Chairman  
Committee on Energy and Natural Resources  
304 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable John Barrasso  
Ranking Member  
Committee on Energy and Natural Resources  
304 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso,

The Natural Gas Council, on behalf of the individuals and companies who produce, transport, and deliver natural gas across the nation, writes in support of key provisions in S. 1456, the Spur Permitting of Underdeveloped Resources (SPUR) Act, which would restore predictability and balance to the permitting of natural gas infrastructure.

Natural gas infrastructure is inherently reliable, built in compliance with exacting safety regulations and engineering standards, and possesses a demonstrable history of reliable operation during emergencies, including severe weather events. The North American Electric Reliability Corporation indicated in its recent [summer assessment](#) that “natural gas supply and infrastructure is vitally important to electric grid reliability...” Moreover, the U.S. Energy Information Administration calculates that natural gas-fired generation accounts [for nearly 40 percent](#) of the kilowatt hours produced in the United States in 2022 and that the U.S. will need [more natural gas-fired generation capacity](#) in 2050 across nine different scenarios.

The United States needs a modernized network of natural gas infrastructure to meet its energy, economic and security goals. We supported recent passage of the Fiscal Responsibility Act (FRA), which included important National Environmental Policy Act (NEPA) permitting process improvements like those contained in S. 1399, the Building American Energy Security Act, including new default deadlines for environmental reviews, and allowing project sponsors to challenge agency delays in court. However, we believe additional changes to our nation’s permitting statutes are still needed to address the fact that current processes to site and approve new and expanded natural gas infrastructure remain slow, inefficient, and overly litigated. These ongoing challenges continue to discourage private sector investment, delay critical projects, and undermine the value of taxpayer investments.

As you work to advance additional permitting reform legislation, we encourage you to consider key provisions in the SPUR Act, namely the provision that would prevent a state’s misuse of the Clean Water Act (CWA) water quality certification process. Currently, under CWA Section 401,

project applicants for a federal license or permit for a project, which may result in discharges into navigable waters, are required to obtain certification from the state where the discharge may occur. States have used this authority to block projects based on policies unrelated to clean water and impose onerous, unnecessary conditions on them. Section 3004 of the SPUR Act would address this by establishing a CWA Section 401 certification process with a singular review conducted as part of the Federal Energy Regulatory Commission (FERC) NEPA analysis in which all affected agencies participate. Critically, states will retain their rights to evaluate the proposed project, and FERC and the states will work together to ensure the proposed project complies with applicable water quality standards.

Additionally, Section 3011 of the SPUR Act would provide much needed certainty for project applicants by requiring clear and convincing evidence to justify the denial of permits needed for the construction, expansion, or operation of an interstate natural gas pipeline or LNG facility. This directive assures a minimum level of rationality in agency action and judicial review and appropriately limits the unending legal challenges that have slowed deployment of critical energy infrastructure and risked the viability of projects. Furthermore, Section 3002 of the measure would complement S. 1449, the Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act, by clarifying NEPA reviews should only analyze reasonably foreseeable environmental effects causally related to the proposed project and limiting them to considering feasible alternatives.

The Natural Gas Council and the companies we represent urge Congress to work in a bipartisan manner to enact meaningful permitting reform this Congress. If enacted, the SPUR Act provisions would build upon the Building American Energy Security Act's proposed reforms and enable development of the energy infrastructure needed to continue delivering the benefits of natural gas to the American people.

Sincerely,



Amy Andryszak  
President & CEO  
Interstate Natural Gas Association of America



Karen Harbert  
President & CEO  
American Gas Association



Jeff Eshelman  
President & CEO  
Independent Petroleum Association of America



Dustin Meyer  
Senior Vice President  
American Petroleum Institute

A handwritten signature in black ink that reads "Dena E. Wiggins". The signature is written in a cursive style with a large, looped initial 'D' and a long, sweeping tail on the 's'.

Dena Wiggins  
President & CEO  
Natural Gas Supply Association