

June 1, 2020

VIA ELECTRONIC FILING

Yardena Mansoor
Office of NEPA Policy and Compliance
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

RE: National Environmental Policy Act Implementing Procedures, 85 Fed. Reg. 25340 (May 1, 2020); Docket No. DOE-HQ-2020-0017

Dear Ms. Mansoor:

The American Public Gas Association, Consumer Energy Alliance, Energy Equipment and Infrastructure Alliance, LNG Allies-The US LNG Association, and the U.S. Chamber of Commerce appreciate the opportunity to comment on the U.S. Department of Energy's (DOE) proposed revisions to the agency's National Environmental Policy Act (NEPA) implementing procedures.

We are strong supporters of NEPA, and recognize its critical role in facilitating a process to consider potentially significant environmental impacts of projects related to federal permits and approvals. The decision-making process under NEPA, however, has unnecessarily delayed federal permitting decisions and increased investor uncertainty in major energy and other infrastructure projects. Updates to DOE's NEPA implementing regulations are needed to clarify the NEPA review process and ensure the U.S. continues to attract infrastructure investments and more quickly realizes related environmental benefits.

Accordingly, we support DOE's proposal to remove the reference to authorizations to import and export to Free Trade Agreement (FTA) countries natural gas from its NEPA regulations, consistent with the legal principle that an agency is not required to prepare a NEPA analysis for authorizations made under a non-discretionary statutory mandate; i.e., one that does not provide an agency discretion to base its decision on information gleaned from the NEPA process. In addition, we support DOE's proposal to revise its regulations for exports to non-FTA countries so that it is clear that the potential environmental effects considered under NEPA do not include effects that the agency has no authority to prevent, that cannot be reasonably foreseeable, and that do not have a reasonably close causal relationship to the proposed action.

I. We Support DOE's Proposal to Restore the Intent of Prompt NEPA Decision-making

DOE's proposed action should help reduce the NEPA review period while ensuring an adequate environmental review and is appropriate and consistent with the original design of the program, which was to promptly provide relevant environmental information that would inform agency decisions in an efficient manner. Since the beginning of the NEPA program in the 1970s, the time it takes to complete environmental reviews has increased significantly. According to the Council on Environmental Quality (CEQ), of the 1,161 projects across the federal government from 2010

to 2017 that required an environmental impact statement (EIS), the average completion time for the environmental review process was 4.5 years with one quarter of the reviews taking more than 6.0 years.¹

CEQ's original intent was for the NEPA review process to move relatively quickly with agencies conducting reviews in less than one year. When looking at the original NEPA guidelines from 1971, it says that agencies taking administrative action on a project can do so at the 90-day mark following the publication of the draft environmental statement as long as the final environmental statement was issued at the 60-day mark.² These timing goalposts suggest that comments from the public (including other federal agencies, state and local governments), and lead agency responses to those comments could be wrapped up in as little as 60-days while simultaneously preparing the final environmental statement. It was envisioned that the lead agency could then publish the final environmental statement at the 60-day mark and take final administrative action to approve or disapprove a project 30 days later at the 90 day mark.

Further, CEQ's first implementing regulation from 1978 included a number of provisions for "reducing delays," setting "appropriate time limits," and running process steps "concurrently" emphasizing the need to make speedy permitting decisions.³ CEQ incorporated certain process steps from the 1971 NEPA guidelines into the 1978 regulations to promote concurrent processing of NEPA review procedures.⁴ In several regulatory provisions, CEQ encouraged "concurrent" processing to avoid delays associated with performing steps consecutively.⁵ The regulations also directed agencies to "integrat[e] the NEPA process into early planning"⁶ to emphasize interagency cooperation before the EIS is drafted in order to "insur[e] swift and fair resolution of lead agency disputes"⁷ and to "avoid delays later in the process."⁸ Many of these regulatory provisions were characterized in the "Summary of Major Innovations in the Regulations" preamble of the final rulemaking indicating the importance of timely reviews.⁹

Then, CEQ issued a memorandum in 1986 to agencies on NEPA implementation advising "agencies that under the new NEPA regulations even large complex energy projects would require only about 12 months for the completion of the entire EIS process. For most major actions, this period is well within the planning time that is needed in any event, apart from

¹ Environmental Impact Statement Timelines (2010-2017), Council on Environmental Quality, December 14, 2018. https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timelines_Report_2018-12-14.pdf

² Statements on Proposed Federal Actions Affecting the Environment, Guidelines, Council on Environmental Quality, p. 7726, 10(b), April 23, 1971. <https://ceq.doe.gov/docs/laws-regulations/FR-1971-04-23-36-FR-7724-CEQ-NEPA-Guidelines-original.pdf>

³ Implementation of Procedural Provisions Final Rulemaking, National Environmental Policy Act, Council on Environmental Quality, 43 FR 55978, 1978. <https://ceq.doe.gov/docs/laws-regulations/FR-1978-11-29-43-FR-55978-CEQ-NEPA-Regulations-NOFR.pdf>, 40 C.F.R. §§ 1500.5 is titled "Reducing Delays, 40 C.F.R. §§ 1500.5(e) calls for setting "appropriate time limits" for EISs, 40 C.F.R. §§ 1501.1(3) calls for "time limits" on preparing EISs,

⁴ 40 C.F.R. §§ 1505.10(c).

⁵ 40 C.F.R. §§ 1505.2(c), 40 C.F.R. §§ 1505.10(b)(2).

⁶ 40 C.F.R. §§ 1500.5(a)

⁷ 40 C.F.R. §§ 1505.5(c).

⁸ 40 C.F.R. §§ 1501.2,

⁹ Implementation of Procedural Provisions Final Rulemaking, 1978. *op. cit.*

NEPA.”¹⁰ CEQ further explained that “[f]or cases in which only an environmental assessment will be prepared, the NEPA process should take no more than 3 months, and in many cases substantially less, as part of the normal analysis and approval process for the action.”¹¹

It is clear that from the beginning of the program, CEQ intended NEPA decision-making to occur without delay, with the goal of increasing infrastructure investment and project development in a manner that strengthens our economy and enhances environmental stewardship.

II. Simplifying and Reducing Delays in the Permitting Process Will Help Spur Economic Growth

Many forms of infrastructure are necessary to move people, goods, energy, and information across the country and world via pipelines, transmission lines, railroads, highways, waterways, and ports. Major investments are needed to repair, upgrade, and build new infrastructure to keep up with our growing population and demand for high quality infrastructure.

To maintain American’s competitive edge and attract global investment, the U.S. will need to improve and expand its infrastructure. The American Society of Civil Engineer’s gave American infrastructure a D+ grade in their 2017 report card. They gave energy infrastructure a D- and estimated the need for investment at close to one billion dollars to meet growing energy demand and technology innovation.¹² Across many sectors, the U.S. has to invest considerably to spur economic growth and maintain a competitive edge to provide both immediate and long-term benefits for local communities and the U.S. as a whole. The liquefied natural gas (LNG) sector is certainly no exception. According to a study by ICF Consulting for LNGAllies, LNG exports could generate average annual benefits of \$53 billion in gross domestic product and 270,000 jobs to the U.S. economy.¹³

Many areas in the U.S. may miss out or are already missing out on the full benefits of improved infrastructure because it is difficult to permit new as well as modify or replace existing critical infrastructure. A recent report estimated a six-year delay in starting infrastructure projects for electricity transmission, power generation, inland waterways, roads and bridges, rail, and water infrastructure could cost the nation nearly \$4.0 trillion (2019\$).¹⁴ These cost estimates included the direct costs (legal, administrative, and overhead), the opportunity costs of lost efficiencies during the years of delay, and the environmental costs of outdated infrastructure during the delay.

¹⁰ Memorandum to Agencies: Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act, Question 35, Council on Environmental Quality, 46 FR 18026 (March 23, 1981) as amended (1986). <https://ceq.doe.gov/docs/laws-regulations/FR-1985-08-09-50-FR-32238-CEQ-NEPA-Regulations-NOPR-amending-1502-22.pdf>

¹¹ *Ibid.*

¹² 2017 Infrastructure Report Card, American Society of Civil Engineers, <https://www.infrastructurereportcard.org/>

¹³ Calculating the Economic Benefits of U.S. LNG Exports, April 17, 2018. <https://www.lngallies.com/jobs.pdf>

¹⁴ Two Years Not Ten Years, Redesigning Infrastructure Approvals, Philip K. Howard, Common Good, September 2015, <https://www.commongood.org/wp-content/uploads/2017/07/2YearsNot10Years.pdf>

We support DOE’s proposed NEPA updates to eliminate unnecessary barriers that prevent or delay LNG imports and exports. Improved regulatory predictability will allow businesses to plan and invest with confidence while enhancing economic productivity and efficiency.

a. Multiple Administrations Have Recognized the Importance of Timely NEPA Decisions

DOE’s proposal will help speed-up the federal permitting process for energy infrastructure consistent with the policy goals of multiple Administrations — of both political parties — who have issued executive orders and presidential memoranda directing the government to increase the efficiency of federal permitting for critical infrastructure.

In 2001, President G.W. Bush issued an executive order to expedite the review of energy-related permits while emphasizing the need to maintain safety, public health, and environmental protection.¹⁵ President Obama’s 2012 executive order recognized the need to improve the performance of federal permitting and the review of infrastructure projects.¹⁶ He also signed the Fixing America’s Surface Transportation Act into law, which created a permitting dashboard to accelerate project reviews.¹⁷ More recently, President Trump’s 2017 executive order recognized the need for increased infrastructure investment and laid out policy goals for “making timely decisions” to “complet[e] all federal environmental reviews for major infrastructure projects within two years.”¹⁸

DOE’s proposal will help reduce delays for permitting of LNG infrastructure projects aligning with the same goals that multiple Administrations have established over the last couple decades. Not only will streamlining federal permitting provide economic benefits sooner, but it will also help maintain the Nation’s energy security, which was recently rated the highest in decades.¹⁹

III. We Support DOE’s Proposed Changes to the Subpart D. Typical Classes of Actions for Imports and Exports of Natural Gas

Under Section 3 of the Natural Gas Act (NGA), DOE was given the responsibility to authorize both imports and exports of natural gas unless it finds that such an authorization “will not be consistent with the public interest.”²⁰ The agency’s authority was changed with amendments to the NGA by section 201 of the Energy Policy Act of 1992 to require that applications to authorize

¹⁵ Actions To Expedite Energy-Related Projects, EO 13212, 66 FR 28357 (May 22, 2001).

<https://www.govinfo.gov/content/pkg/FR-2001-05-22/pdf/01-13117.pdf>

¹⁶ Improving Performance of Federal Permitting and Review of Infrastructure Projects, EO 13604, 77 FR 18887, March 22, 2012. <https://www.govinfo.gov/content/pkg/FR-2012-03-28/pdf/2012-7636.pdf>

¹⁷ Fixing America’s Surface Transportation Act, Public Law 114–94, December 4, 2015.

<https://www.govinfo.gov/content/pkg/PLAW-114publ94/pdf/PLAW-114publ94.pdf>

¹⁸ Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, EO 13807, 82 FR 40463 (August 15, 2017). <https://www.govinfo.gov/content/pkg/FR-2017-08-24/pdf/2017-18134.pdf>

¹⁹ Index of U.S. Energy Security Risk: Addressing America’s Vulnerabilities in a Global Energy Market, Global Energy Institute, U.S. Chamber of Commerce, 2019, https://www.globalenergyinstitute.org/sites/default/files/2019-12/023819_gei_us-esri-2019.pdf

²⁰ 15 U.S.C. 717b, Exportation or Importation of Natural Gas; LNG Terminals

the import of natural gas as well as the export of natural gas to FTA countries be “deemed consistent with the public interest, and . . . granted without modification or delay.”

DOE explains that they are left with no discretion in its approvals of natural gas imports and exports to FTA countries, as they are deemed to be in the public interest. As a result, DOE concludes that there is no need to review potential environmental impacts associated with the construction or operation of natural gas import or export facilities to FTA countries because DOE lacks authority to approve the construction or operation of those facilities, only the export of LNG “when the LNG is delivered to the flange of the LNG export vessel.”²¹

We support DOE’s proposal for exports to non-FTA countries to revise its regulations consistent with the legal principle that potential environmental effects considered under NEPA do not include effects that the agency has no authority to prevent due to the NGA as amended, a conflicting statute.

The proposed rule contains concepts that are well established in decades of NEPA jurisprudence that allow DOE to consider when there are conflicts with the requirements of another statute. This element of the threshold applicability analysis is noncontroversial and has substantial support in longstanding case law that recognizes that NEPA is not required when there is a “clear conflict” with other statutory authority.²²

DOE appropriately considered and explained that compliance with NEPA would be inconsistent with congressional intent due to the requirements of NGA’s language. NGA’s language states that authorizations to import natural gas as well as the export natural gas to FTA countries be “deemed consistent with the public interest, and . . . granted without modification or delay.” DOE’s clarification will maximize the environmental and economic benefits for both federal and non-federal project proponents.

IV. We Support DOE’s Efforts to Clarify the Potential Extent to Which Environmental Effects Should be Considered for LNG Exports to Non-Free Trade Agreement Countries

Although the lack of discretion to modify or delay any LNG import and export to FTA countries may preclude NEPA review, we support DOE’s proposal to revise its NEPA regulations regarding authorizations under section 3 of NGA to help clarify what potential effects should be considered in a NEPA analysis for LNG exports to non-FTA countries.

NEPA imposes procedural requirements on federal agencies to evaluate and consider the environmental impacts of their actions. For the consideration of effects resulting from a federal action, CEQ’s current regulations establish a framework for agencies that subdivides reasonably

²¹ See Freeport LNG Expansion L.P., et al., DOE/FE Order No. 3282–C, FE Docket No. 10–161–LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations, at 23 (Nov. 14, 2014)

²² See, e.g., *Calvert Cliffs’ Coordinating Comm., Inc. v. U.S. Atomic Energy Comm’n*, 449 F.2d 1109, 1115 (D.C. Cir. 1971) (“Thus the Section 102 duties are not inherently flexible. They must be complied with to the fullest extent, unless there is a clear conflict of *statutory* authority.”) (emphasis in original).

foreseeable “effects or impacts” into “direct” and “indirect” effects of a proposed action, in addition to considering the “cumulative effects” of that action with other reasonably foreseeable actions affecting the same resource.²³ This framework for considering effects is not required by statute, but has created considerable challenges for federal agencies, private applicants, and courts.

We support DOE’s proposal to revise the definition of “effects,” shifting the focus away from the type of effect—direct, indirect, or cumulative—and to the causal relationship of an effect with the federal action under consideration. DOE’s intent is to focus its analyses on effects that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action. Accordingly, DOE should explain in the final rulemaking that effects should not be considered significant if they are remote in time, geographically remote, or the result of a lengthy causal chain.²⁴

DOE’s shift in emphasis does not break new ground. Instead, it relies on Supreme Court precedent that “NEPA requires a ‘reasonably close causal relationship’ between the environmental effect and the alleged cause.”²⁵ In the *Ohio Valley* case, the court had little trouble with the notion that NEPA requires a substantial causal relationship between the impact and the federal action for federal review to be required, illustrating the need for this clarity from DOE.²⁶

DOE should also clarify that for any required analysis of effects “a ‘but for’ causal relationship is insufficient to make an agency responsible for a particular effect under NEPA.”²⁷ This change in emphasis will help DOE and private entities engaged in the NEPA process, focus more productively on identifying and considering meaningful environmental impacts.

a. DOE’s Lifecycle Greenhouse Gas Analyses Further Supports the Agency’s Position that Geographically Remote Effects need not be Considered

Further supporting DOE’s argument is their 2014²⁸ and updated 2019²⁹ analyses of the lifecycle greenhouse gas emissions from LNG exported from the United States. DOE concluded in both analyses that the use of U.S. LNG exports for power production in European and Asian markets

²³ See 40 C.F.R. §§ 1508.7 and 1508.8.

²⁴ See, e.g., *Dep’t of Transp. V. Pub. Citizen*, 541 U.S. at 752–68 (“In particular, ‘courts must look to the underlying policies or legislative intent in order to draw a manageable line between those causal changes that may make an actor responsible for an effect and those that do not.’” (quoting *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. at 774 n.7)); *Metro. Edison Co.*, 460 U.S. at 774 (noting effects may not fall within section 102 of NEPA because “the causal chain is too attenuated”)

²⁵ *Pub. Citizen*, 541 U.S. at 767.

²⁶ See *Ohio Valley Env’tl. Coalition v. Aracoma Coal Co.*, 556 F.3d 177 (4th Cir. 2009) (Corps of Engineers not required to consider impacts of surface coal mining as impacts of its own action under the Clean Water Act); *Quechan Indian Tribe of the Fort Yuma Indian Reservation v. U.S. Dept. of the Interior*, 547 F. Supp. 2d 1033 (D. Ariz. 2008).

²⁷ *Id.*

²⁸ See U.S. Dep’t of Energy, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260, June 4, 2014.

²⁹ See U.S. Dep’t of Energy, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States; Notice of Availability of Report, 2019 Update and Request for Comments*, 84 FR 49278, Sept. 19, 2019.

would not increase global greenhouse gas emissions from a life cycle perspective, when compared to the current regional emissions profile for power production.

LNG exports also serve the role of supporting wind and solar energy generation in Europe and Asia, lowering greenhouse gas emissions. Due to the intermittent nature of renewable energy and the current lack of sufficient energy storage; the ability of natural gas power facilities to power-up quickly makes them a valuable generation asset to backup and support growing renewable energy portfolios. As one example, Germany has spent hundreds of billions of dollars on renewable energy sources, but is also building four LNG import terminals to supply natural gas-fueled generating capacity to back up their new renewable generation.³⁰

Not only will LNG exports help lower greenhouse gas emissions in the power sector, but it has the potential to help developing countries reduce greenhouse gas emissions and address health issues associated with poor indoor air quality. The World Health Organization estimates that three billion people still rely upon solid fuels such as wood, crop wastes, and dung to heat their homes and cook and one billion people lack access to electricity.³¹ Increasing LNG exports may provide opportunities for these developing countries to reduce household exposure to high levels of indoor particulate matter and other health risks.

In addition, exported LNG may be used for a variety of purposes beyond just combustion for power generation. LNG may be used in various manufacturing processes and as a raw material for making different products such as fertilizer and pharmaceutical products. The uncertainty of the end use for exported LNG to non-FTA countries and the challenges with the geographically remote nature of certain environmental effects make it difficult to determine whether these effects would be reasonably foreseeable and have a close causal relation to the proposed action.

b. We Suggest DOE Further Clarify that Any Required NEPA Analysis Should Focus on Information that is Meaningful and Significant

Such direction will help restore NEPA reviews to the original intent of the statute — to provide meaningful insight to the federal decision maker and the public to foster better federal decisions on those environmental impacts that are truly significant. As CEQ put it in the final regulations from 1978, “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.”³²

NEPA’s purpose is to establish a framework by which DOE can understand the environmental impacts of its decisions, allowing DOE to consider actions that might mitigate such impacts. DOE can only achieve this purpose if the information considered meaningfully informs the agency’s action. An analysis is only meaningful if the information is relevant to the agency’s decision-making discretion within the bounds of the NGA as amended.

³⁰American LNG Exports Jump To Third Place Worldwide, Forbes, January 26, 2020. <https://www.forbes.com/sites/judeclemente/2020/01/26/us-lng-exports-reach-third-place-in-2019-with-much-more-coming/#31b24e335049>

³¹ Household air pollution and health, World Health Organization, May 8, 2018. <https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health>

³² 40 C.F.R. § 1500.1(b)

The NGA prescribes the parameters for agency decision-making and thus limits the agency's discretion to act. NEPA "imposes only procedural requirements" to ensure that DOE is well informed under the NGA.³³ NEPA does not expand the parameters of the agency's decision-making beyond consideration of information the agency has the discretion to act on.

c. We Suggest DOE Restore the Original Intent of NEPA Analyses to be "Concise, Clear and to the Point"

NEPA provides important safeguards to ensure that major federal actions and approvals carefully consider environmental impacts. However, the scope of NEPA analysis should be focused on information specifically related or consequential to the federal action at hand, as opposed to an overly broad and exhaustive analysis of all issues, without regard to significance.

CEQ's final regulations promulgated in 1978 stated that "Environmental Impact Statements shall be concise, clear, and to the point..."³⁴ "NEPA's purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action."³⁵ The regulations direct agencies to "us[e] the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the EIS process accordingly."³⁶

To demonstrate CEQ's original intent, a CEQ question and answer guidance document originally issued in 1981 and then amended in 1986 stated that "the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages. Some agencies expressly provide page guidelines (e.g., 10-15 pages in the case of the Army Corps)."³⁷ These page limit goals envisioned fifteen years after NEPA was signed into law focused on limiting the analysis to what was necessary for Federal decision-making. In contrast, the 1986 guidance's page count limit makes DOI's memorandum (e.g. 30-40 pages for an EA)³⁸ and CEQ's proposal for agencies to limit their EAs to 75 pages seem expansive.

In 2019, a CEQ report examined over 500 projects requiring EISs from 2013 to 2017 and found the average length of analysis was over 1,200 pages per EIS including the appendices.³⁹ For these same 500 projects, the federal government amassed almost a million pages of NEPA documentation.

³³ *Dep't of Transp. v. Pub. Citizen*, 541 U.S. 756 (2004) (citing 42 U.S.C. § 4321) (NEPA "was intended to reduce or eliminate environmental damage and to promote 'the understanding of the ecological systems and natural resources important to' the United States.").

³⁴ 40 C.F.R. § 1500.2(b)

³⁵ 40 C.F.R. § 1500.1(c)

³⁶ 40 C.F.R. § 1500.4(g)

³⁷ "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Council on Environmental Quality Memorandum to Agencies, 1986, <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>

³⁸ Additional Direction for Implementing Secretary's Order 3355 Regarding Environmental Assessments, Department of Interior Memorandum, August 6, 2018, https://www.doi.gov/sites/doi.gov/files/uploads/so_3355_additional_direction_on_eas_08.06.2018.pdf.

³⁹ Length of Environmental Impact Statements (2013-2017), Council on Environmental Quality, July 22, 2019, <https://ceq.doe.gov/nepa-practice/eis-length.html>

These voluminous analyses not only incur significant cost burdens on project developers and reviewing agencies, they lead to incalculable costs due to delayed private and public benefits of the projects. For three NEPA reviews approved in 2015 by DOE, the estimated cost for preparing the NEPA reviews was about \$7,500 per page of analysis.⁴⁰ The cost burden of these analyses on taxpayers is high. In 2017, the American Action Forum assessed 148 projects and estimated that the review process costs were almost \$230 billion.⁴¹ To provide more information to the public on the increasing cost of NEPA reviews, the Office of Management and Budget required agencies to report their costs at the conclusion of NEPA review.⁴²

V. Conclusion

For these reasons, we support DOE's effort to update their NEPA implementing regulations and ensure a more efficient, predictable, and effective approach to environmental permitting of LNG imports and exports. Please consider our suggestions for the final rulemaking to provide additional clarity and emphasis on the need to streamline the federal permitting process.

American Public Gas Association
Consumer Energy Alliance
Energy Equipment and Infrastructure Alliance
LNG Allies-The US LNG Association
U.S. Chamber of Commerce

⁴⁰ National Environmental Policy Act Lessons Learned, U.S. Department of Energy, NEPA Quarterly Newsletter, March 1, 2016, Issue No. 86, <https://www.energy.gov/sites/prod/files/2016/03/f30/LLQR-March-2016.pdf>

⁴¹ Regulatory Burdens and the Supply of Infrastructure Projects, Curtis Arndt, American Action Forum, <https://www.americanactionforum.org/research/infrastructure-regulatory-burdens/>

⁴² Modernize Infrastructure Permitting Cross-Agency Priority Goal Performance Accountability System, Office of Management and Budget, September 26, 2018, <https://www.whitehouse.gov/wp-content/uploads/2018/09/M-18-25.pdf>