The Greens’ Dilemma:
Building Tomorrow’s Infrastructure Today
The Grand Bargain of Modern Environmental Law

• The Environmental Decade
  • NEPA, CAA, CWA, ESA, MMPA, RCRA, SDWA, CERCLA

• Elevation of environmental law as a controlling factor on infrastructure decisions in return for longer timelines and higher costs

• Good bargain
But with drawbacks...

• Property rights/development interests began to push back

• EJ interests increased demand for social justice and public participation as co-equals

• Infrastructure slow down and increase in costs
What happens when the Green New Deal meets the Old Green Laws?
Imagine trying to do this today: Build the Intercoastal Waterway plus The Interstate Highway System plus The natural gas pipeline system plus The Electricity Transmission Grid... All at the same time, within 20 years
What do we know about infrastructure cost and timing?

• Costs have increased
• Much longer timelines
• NYU Marron Institute study of 11,000 kilometers of urban rail
  • NYC 20x more expensive per kilometer than in Seoul, 3x more than Sweden and Japan
• Focus on NEPA
  • Median time for EIS of 4.5 years, top quartile over 6 years
  • Little study of delays caused by litigation
  • Not just environmental laws!
No “Green Pass” for renewables

• Wind
  • Cape Wind, 2001-2017
  • County wind moratoria in Iowa ban wind development in 49-77% of state

• Solar
  • Clark County, NY, moratorium

• Transmission Lines
  • New England Clean Energy Connect

• Rare Earth Minerals
  • Rhylite Ridge, lithium, Tiehm’s buckwheat
We strongly support renewable energy projects, just not here...

While Sensible Solar supports combating climate change and expanding renewable energy resources in New York, we believe the solar project as currently proposed will adversely impact Copake’s natural resources, farmland, wildlife and habitats, rural viewsheds, property values, and tourism- and agriculture-dependent economy.
Streamlining Toolkit

• Limiting coverage
  • Limiting jurisdiction
  • Limiting analysis

• Centralizing decisions
  • Improved coordination
  • Preemption

• Timelines

• Increasing information

• Looks a lot like the Manchin Bill
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Where Next for Permitting Reform?

• Status quo
• Tweaking
• Maximum preemption
• New Grand Bargain
Where Next for Permitting Reform?

• No good to fund a Green New Deal if you can’t build it in a timely fashion

• The Greens’ Dilemma
  • Conflicting goals of combatting climate change, enviro protection, and safeguarding vulnerable communities