



GENERATING OPPORTUNITY

Why building new energy infrastructure is harder than ever before and how you can overcome the odds



Delve is a competitive intelligence and risk advisory firm built specifically to support public affairs professionals as they help organizations navigate complex political and reputational challenges and opportunities. Delve works across the energy value chain with traditional and renewable energy infrastructure developers bringing new projects online, gas and electric companies delivering power to consumers in highly regulated markets, cleantech innovators commercializing new technologies, and investors funding our energy future.

OPPORTUNITY MEETS OBSTACLES

There is more opportunity to build energy infrastructure today than ever before thanks to the *Infrastructure Investment and Jobs Act* and the *Inflation Reduction Act*. Yet **despite the cheerleading from policymakers and stakeholders who want industry to build more, faster, it is harder than ever before to get it built.**

We developed this playbook to help firms understand and overcome these hurdles because our energy future depends on your success. **This playbook explores what stands in your way, including:**



An increasingly complex permitting process involving a tangle of federal, state, and local bodies.



The escalating sophistication of energy infrastructure opponents, who are even targeting green projects they ought to support.



Post-permitting hurdles, including intense legal action from activists leveraging sophisticated legal expertise and their allies in public office.

To successfully navigate this labyrinth, firms must understand which stakeholders will engage in the process and how they can impact progress so firms can anticipate and counteract before these challenges delay or disrupt their projects.

TO OPERATE IN THIS NEW LANDSCAPE, YOU NEED A NEW PLAYBOOK.

REGULATORY CHALLENGES

Energy infrastructure developers must navigate a multi-level regulatory maze of officials empowered to delay or deny permits

THE FEDERAL BUREAUCRACY

Dozens of offices govern a constantly shifting permitting process. 14 federal departments, agencies, and offices can be involved in federal infrastructure permitting, and each of these bureaucracies can have dozens of offices or bureaus developers must navigate.

Even as you navigate the maze, the rules are constantly changing. Take for example the definition of the Waters of the United States, which regulators have changed four times since 2015 and courts have repeatedly struck down.

Permitting reviews can take years. The National Environmental Policy Act, for example, is so complex and open to various interpretations, the average environmental impact statement (EIS) took 4.5 years to complete, and 1 in 4 took 6 or more years.

14+

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4.5 YEARS

time to complete the average environmental impact statement (EIS)

DON'T FORGET ABOUT THE STATES

State and local regulators often have considerable power to delay or stop projects within their jurisdictions. State permitting can add months or years to a project, increasing project cost significantly. For example, New York regulators delayed a key natural gas project for years, ultimately leading the developer to withdraw its application after incurring nearly \$40 million in costs. In many jurisdictions, town and county officials are considering or passing moratoriums on new energy development.

State regulators can even frequently deny or delay interstate projects, from transmission lines that regulators determine are not in the state's best interest to Clean Water Act Section 401 reviews of projects that cross their state lines.

\$40 MILLION

costs incurred before the developer withdrew its application as New York regulators delayed a key natural gas project for years

THESE CHALLENGES AREN'T ISO-LATED

Regional Transmission Operators and Independent System Operators also add to the headaches for builders. The backlog of projects waiting to connect to the grid jumped 40% in recent years, and the average wait time has more than doubled, making interconnection the #1 barrier to new energy deployment.

40%

increase in wait time to connect to the grid



MODERN CLIMATE ACTIVISM

The Modern Day Environmental Activist is **professionalized, nationalized, digitized, and uncompromising**, meaning even as climate-focused industry tries to build solutions, climate activists are ready to fight them



Nationally backed and technically savvy.

National environmental groups provide local and regional advocates with the legal and technical expertise to oppose energy projects. From RMI's [Energy Policy Simulator](#), to the NRDC's [activist toolkits](#), national environmental groups with professional staff are arming local advocates with technical expertise and strategy to influence communities, policymakers, and decisions.



National networks bring national attention.

Through established networks, groups can quickly generate national opposition to projects. While developers might think their project is a local issue with local stakeholders, the nationalization of activism means projects can quickly generate broad opposition from across the country. Groups like the [Sierra Club](#) or [350.org](#) with established state and local chapters regularly amplify the messaging of local fights to make them national in scale. These groups are similarly able to engage their allies in Washington, D.C. to ensure local fights get federal scrutiny.





Never satisfied.

Activists have become uncompromising in their demands, meaning even projects whose goal they purportedly support face hostility. Citing biodiversity concerns, endangered species, or energy justice concerns, today's activists frequently oppose renewable energy or critical minerals projects necessary to achieve net zero ambitions.

This paradox lays bare the divide between climate activists and climate industry. Climate industry participants want to build and scale solutions. Climate activists, however, have little incentive to proclaim victory and depart the field when their fundraising and grassroots energy relies on never being satisfied.



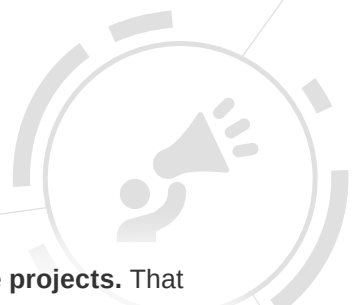
The money game.

Supported by a network of dark money and climate focused billionaires, activists have the financial backing to engage across the country. From the \$10 billion Bezos Earth Fund to the dark money Arabella Advisors network, America's wealthy donors have made climate activism a lucrative enterprise. Some of these funders are even building the activism infrastructure themselves, such as Bloomberg Philanthropies, which both funds and coordinates on the ground activism against a range of industries, including coal, gas, and petrochemicals.



Take it to the courts.

Activists are increasingly adept at legal action, even after regulators approve projects. That meaning the fight is never over. Supported by organizations like Earthjustice, local groups are able to intervene in permit fights or challenge permits and approvals in court with sophisticated legal expertise.





YOUR PLAYBOOK FOR AVOIDING DELAYS AND DISRUPTION

Here's how energy developers can navigate regulatory and advocacy challenges.

- 1 Understand Where Your Risks Are**
- 2 Find Your Stakeholders**
- 3 Secure An Information Advantage**
- 4 Build A System To Avoid Surprises**





UNDERSTAND WHERE YOUR RISKS ARE

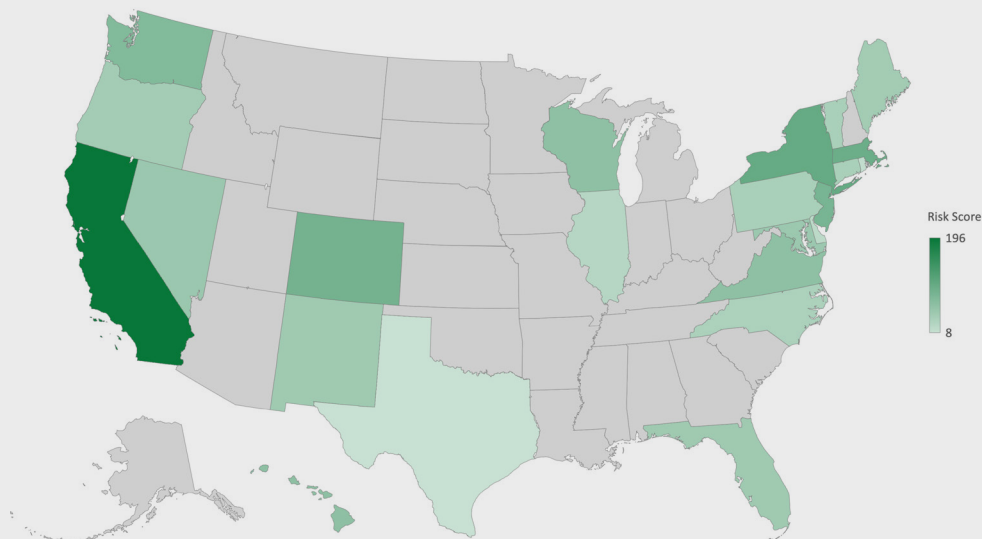
Risks or opportunities can emerge where you least expect them, and even the most well-resourced organizations cannot have a presence in every state, county, or town.

To focus time and resources where it counts, **survey the landscape for where meaningful wins can be achieved and serious political and reputational blows are expected.**

This assessment should identify key factors indicating the likelihood of opportunity or challenges for infrastructure development, including current and past activity of legislators and regulators; recent ballot initiatives; the presence of national and local activists, competitors, and other stakeholders; past and current lobbying efforts and political activities; and other relevant factors.

Assess Your Risk

At Delve, we weigh risk factors across each jurisdiction to develop a heat map of risk and opportunity that helps public affairs professionals and permitting teams target their resources and engage in the right fights early.



2 FIND YOUR STAKEHOLDERS

Friends are best found before the fighting begins. Once you understand where the risk and opportunity exists, it is time to assess which stakeholders are likely to engage on your project and whether you can work with them.

Successful infrastructure developers identify and engage their stakeholders early and often; but the challenge for developers is identifying who those key stakeholders truly are.

It is no longer enough for developers to simply engage key permitting bodies and pledge to be a good neighbor. Today, they must identify and understand a far broader range of stakeholders including environmental activists, landowners, community leaders, and policymakers ranging from the county commissioner to the governor's key advisors.

Understand the Web of Influence

Reading the tea leaves of previous statements and positions, funding sources, any relevant affiliations, and interests illuminates where a group may come down in the fight. These details help create a “web” of stakeholders to direct firepower, bolster defenses, and build a winning coalition.



3

SECURE AN INFORMATION ADVANTAGE

With the landscape assessed and stakeholders identified, it is time to build the competitive intelligence you can leverage to ensure your project can overcome any opposition.

Get intimate with your friends and size up your opponents: Whether determining what matters most to a permitting official, or how to push back on the erroneous claims of your opponents, it is crucial developers leverage an information advantage when engaging stakeholders. Key insights can include:



Funding sources



How Groups Coordinate



Motivations



Inferred Strategies and Observed Tactics



Sources of Influence



Credibility Issues

Build And Leverage A Factbook








Arm your internal and external communicators and advocates with the key facts and figures needed to tell your story. A project's environmental benefits, the number of jobs created, and safety figures can all be utilized to promote the company's positive impact and rebut anticipated criticism from the media and skeptics using third-party verifiable materials.



4 BUILD A SYSTEM TO AVOID SURPRISES

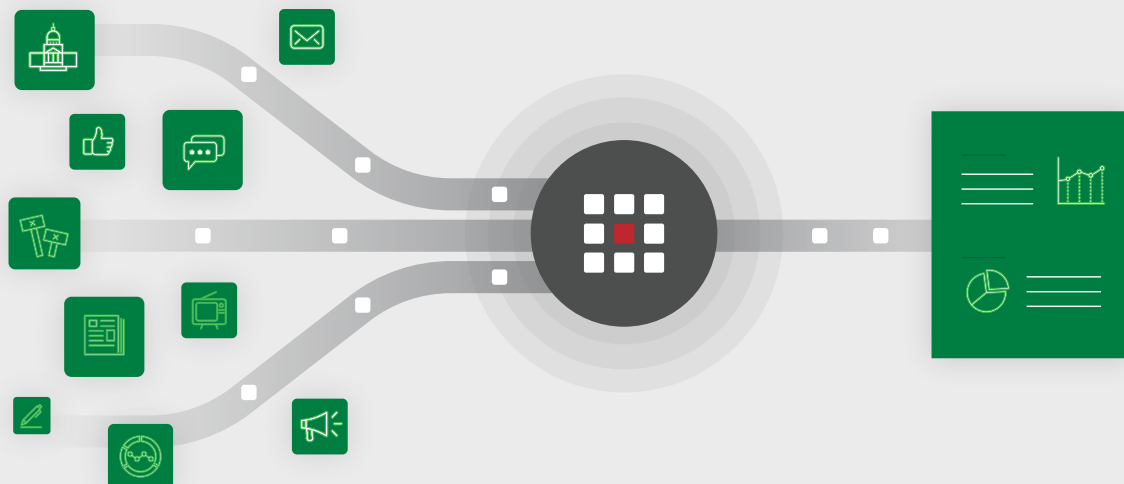
Over time, regulatory risks shift and new stakeholders emerge. By the time critical information reaches the headlines, it is often too late.

Going past noisy mass media and social media to decipher what your opponents and key stakeholders are likely to do next is critical to mitigating risks and seizing on opportunities. Analyzing a wide range of primary and secondary sources can indicate changes to the state of play, so build a monitoring program that synthesizes:

-  Social Media
-  Regulatory Filings
-  Events
-  Newsletters
-  Press Coverage
-  Legislative Action
-  And a wide range of other sources

Make It Actionable

It's not the aggregation of information, but rather, the analysis of how it fits together that can provide a clear, compelling, and up-to-date view of the landscape that is necessary to stay ahead. At Delve, it is the analysis that makes the difference, synthesizing information into actionable, digestible insights for public affairs professionals' strategic planning, proactive initiatives, and rapid response efforts.





YOU DON'T HAVE TO DO IT ALONE.

Energy firms across the country are providing the clean, reliable power Americans are demanding. Yet no good deed goes unpunished. As firms plan to meet the energy needs of the future, they face more hurdles and more opposition than ever before.

To avoid unnecessary delays and disruption, firms must arm themselves with actionable intelligence. That's why, for their most consequential initiatives, public affairs professionals across the energy value chain turn to Delve.

Our team arms energy developers, producers, and investors with the insights they need to understand and navigate political and reputational risks that are growing both in number and levels of sophistication.

From risk assessments to stakeholder mapping to background research and our proprietary monitoring service, Delve provides the competitive intelligence you need to get your projects from inception to completion.



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