

Press Coverage | January 23, 2025

Policy: Industry Experts Weigh In on Clean Energy Permitting in the Wake of Recent Actions Taken by the Trump Administration

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[M. Benjamin Cowan](#)

Ben Cowan, a partner in Troutman Pepper Locke's Environmental + Natural Resources Practice Group, was quoted in the January 23, 2025 [New Project Media](#) article, "Policy: Industry Experts Weigh In on Clean Energy Permitting in the Wake of Recent Actions Taken by the Trump Administration."

Ben Cowan, partner at Troutman Pepper Locke in the Environment Natural Resources Group, told NPM that the secretarial order is the beginning of "rubber hitting the road."

"It is about how this executive order will be implemented," he said, pointing to Section 3 of the memo detailing the suspension of authority to the US Department of Interior's (DOI) bureaus and offices to take certain actions.

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"If they can't do that, they can't complete the NEPA process and issue the permit," he said.

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"It does not define what is meant by 'renewable energy authorization' so it is not clear if that means something that specifically authorizes construction or operation of a renewable energy facility or issuance of any authorization of any kind to a renewable energy facility," Cowan said.

...

"If it is interpreted to include solar, they would be subject to the permitting pause," Cowan said, adding that he thinks it would take an expansive reading to apply it to other renewable energy technologies but "this just injects uncertainty which could be problematic for financing."

Cowan observed that the new administration "has not seemed to harbor the same grievance against solar as it does for wind or offshore wind," he said. "This could be that this was loosely worded language and won't be implemented that way, but right now we can only go with what the memo says."

For now, Cowan said he is not sure when clarification might be given to the industry before DOI Secretary Doug Burgum is confirmed and is in a position to make decisions.

“It’s also possible that we may learn as individual projects are meeting with the Interior and seeking permit applications,” he said.

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Cowan weighed in on the EO that led to the secretarial order and said that the January 20 onshore and offshore wind memo was not necessarily a surprise given that President Trump had telegraphed that it would come on Day 1.

“We expected a permitting pause,” he said, but added that there is some language in the order that suggests they are looking for legal basis to potentially revoke some existing leases and “that could certainly be a concern.”

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In terms of what could happen next, Cowan said that he fully expects the EO and secretarial order to be challenged by states or individual companies that are affected.

“Until then, companies are going to have to rely on working with the Department of Interior to navigate this in real time,” he said. “I think right now, while the secretarial memo is the first step to Interior figuring out for itself what the presidential memo means, we are already seeing a lot of uncertainty and everyone – including the agency – is trying to figure this out.”

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