

July 30, 2024

The Honorable Chuck Schumer
Senate Majority Leader
Room S-221, The Capitol
Washington, DC 20510

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

Dear Majority Leader Schumer, Democratic Leader Jeffries,

On behalf of our 150+ organizations and the millions of members and supporters we represent, we are writing to urge you to categorically oppose the so-called “Energy Permitting Reform Act of 2024.” This legislation—drafted by two of the most anti-environmental, pro-polluter members of Congress—represents an egregious and unwarranted attack on the Endangered Species Act, our nations wildlife, and additionally lock the U.S. into a climate catastrophe. Thus, we urge you to reject the callous attempts by Senators Manchin and Barrasso to ram through this reckless bill that would cause irreparable harm to our natural heritage.

In particular, Section 101 imposes strict timelines for judicial review of all permits and authorizations under the Endangered Species Act with respect to mining, coal, oil and gas, and other destructive resource extraction activities. Because endangered species Biological Opinions are not generally made available unless requested by concerned members of the public, this provision would cynically deny any meaningful review of these critical assessments until the deadline for judicial review had already occurred. Worse, this provision mandates expedited judicial review for the fossil fuel industry — harming the integrity of the judicial process and delaying other vital legal matters — and then mandates the Fish and Wildlife Service divert and prioritize fixing any deficient Biological Opinions in an expedited manner. In other words, the fossil fuel industry will become the highest priority of the Fish and Wildlife Service from start to finish, regardless of the dire need to focus on actions that actually improve and recover our nation’s threatened and endangered wildlife. Most insultingly, this legislation even requires the federal government to act as the courier and notify the fossil fuel industry when an organization files litigation to protect this nation’s wildlife from harm.

Section 203 would prohibit the Secretary of Interior from requiring oil and gas companies to implement common sense mitigation measures to offset the harmful impacts of their actions on endangered species on state or private lands. Private lands support more than two-thirds of listed species, with 10% of listed species living only on private land. This massive industry giveaway effectively eliminates any accountability or incentive to protect imperiled species on non-federal land, allowing oil and gas companies to operate with impunity and further endanger our most vulnerable wildlife.

Section 301 would lock in a massive increase in offshore oil and gas development, including opening up hundreds of millions of additional acres in the Gulf of Mexico. The Gulf of Mexico is one of the most ecologically diverse and complex ecosystems in the world and is home to the critically endangered Gulf of Mexico Rice’s whale, which has fewer than 50 individuals left on Earth. The whale’s habitat has already been substantially degraded by the presence of thousands of oil and gas platforms and underwater pipelines, as well as oil spills that are becoming more

and more frequent. The Energy Permitting Reform Act would require even more expansive energy exploration, more seismic surveys, and even greater risk of vessel strikes. Worse yet, the legislation arbitrarily eliminates the ability of the National Marine Fisheries Service to require any additional mitigation beyond what has already been enacted, even if the Rice's Whale declines further. With such a small population size, this legislation could easily drive this species extinct.

Finally, the Energy Permitting Reform Act would degrade millions of acres of public lands and key wildlife habitats by greenlighting an unprecedented expansion of fossil fuels and mining, rubberstamping dirty gas pipelines across countless rivers and streams, and destroying coastal wetlands to approve more fracked gas export terminals. In doing so, the legislation would cause irreversible declines to countless imperiled species across the country. For example, this legislation would allow mining companies to dump toxic waste from their operations on whichever public lands they choose, resulting in the contamination of countless acres of lands and waters, and harm to endangered jaguars in the Santa Rita Mountains of Arizona to bull trout in the Pacific Northwest to endangered crayfish in the Missouri Ozarks.

It is clear that neither Senator Manchin or Senator Barrasso is concerned about the heartbreaking extinction crisis that this nation faces. Sen. Manchin's vindictive zeal to obliterate every pitfall that faced the Mountain Valley Pipeline has resulted in legislation that dramatically tilts the scale against the Fish and Wildlife Service, which is charged with protecting our nation's wildlife, including species like the candy darter and Roanoke logperch that were in the path of that pipeline. Likewise, Sen. Barrasso has been a staunch opponent of the Endangered Species Act for decades, sponsoring or cosponsoring over 50 legislative attacks on the Act and routinely voting against the law and the funding needed to support the expert agencies charged with preventing species extinction. We strongly urge you to oppose this dangerous and cynical legislative effort and chart a completely new course of action that does not sacrifice our wildlife's future to the fossil fuel industry.

Sincerely,

Center for Biological Diversity
7th Generation Advisors
Advocates for Snake Preservation
Alaska Clean Water Advocacy
Alaska Wilderness League
Alaska's Big Village Network
Alliance for the Wild Rockies
Amazon Watch
Animal Wonders KC
Animal Legal Defense Fund
Animal Protection League of New Jersey
Animal Welfare Institute
Animals Are Sentient Beings Inc
Animas Valley Institute
Basin and Range Watch

Baton Rouge Audubon Society
Beyond Pesticides
Bird Conservation Network
Bold Visions Conservation
California Wildlife Foundation
Californians for Western Wilderness
Cascadia Wildlands
Center for Food Safety
Center for Public Environmental Oversight
Cetacean Society International
Christian Council of Delmarva
Christians Caring for Creation
Citizens Campaign for the Environment
Citizens Committee to Complete the Refuge
Climate Positive Consulting
ColoradoWild
Columbia Riverkeeper
Conservation Alabama
Conservation Congress
Continental Divide Trail Coalition
DC Natives
Delaware-Otsego Audubon Soc. (NY)
Dogwood Alliance
Earth Path Sanctuary
Earthbilt
Eastern Coyote-Coywolf Research
Eco-Eating
Eco-Justice Collaborative
Endangered Habitats League
Endangered Species Coalition
Environmental Center of San Diego
Environmental Protection Information Center- EPIC
Florida Springs Council
Foundation Earth
FOUR PAWS USA
Friends of Bell Smith Springs
Friends of Blackwater, Inc.
Friends of Merrymeeting Bay
Friends of the Bitterroot
Friends of the Clearwater
Friends of the Earth
Friends of the San Juans
Friends of the Wild Swan
Friends of Wisconsin Wolves and Wildlife
Gallatin Wildlife Association
GARDEN, Inc.

Goodell Law Firm
Great Lakes Wildlife Alliance
Great Old Broads for Wilderness
Green America
Greenaction for Health and Environmental Justice
GreenFaith
GreenLatinos
Greenpeace USA
Heartwood
Hilton Pond Center for Piedmont Natural History
Howling For Wolves
Inland Ocean Coalition
International Marine Mammal Project of Earth Island Institute
Intheshadowofthewolf
Jemez Peacemakers
John Muir Project
Kettle Range Conservation Group
Kickapoo Peace Circle
Klamath Forest Alliance
La Purisima Audubon Society i
Living Rivers & Colorado Riverkeeper
Los Angeles Audubon Society
Los Padres ForestWatch
Maryland Ornithological Society
Miami Waterkeeper
Mission Blue
Moloka'i Community Service Council
MountainTrue
NC WARN
NETWORK Lobby for Catholic Social Justice
New Hampshire Audubon
North Central Washington Audubon Society
Northeast Oregon Ecosystems
Northwest Environmental Advocates
NY4WHALES
NYC Plover Project
Oasis Earth
Ocean Alliance
Ocean Conservation Research
Ocean Defenders Alliance
Ocean Defense Initiative
Orleans Audubon Society
Partnership for Policy Integrity
Predator Defense
Project Coyote
Protect Our Woods

Public Lands Project
Red Wolf Coalition, Inc.
Resource Renewal Institute
RESTORE: The North Woods
Rock Creek Alliance
Rocky Mountain Wild
San Bernardino Valley Audubon Society
Save Our Cabinets
Save Our Sky Blue Waters
SAVE THE FROGS!
Save the Manatee Club
Save the Pine Bush
Save The World's Rivers
Sierra Club
Silvix Resources
Sky Island Alliance
SoCal 350 Climate Action
Social Compassion in Legislation
South Florida Wildlands Association
Southern Wisconsin Bird Alliance
St. Johns Riverkeeper
Sustainable CSRA
Swan View Coalition, Inc.
The #RelistWolves Campaign
The Conservation Angler
The Enchanted Biscuit
The Forest Foundation, Inc.
The Interfaith Council for the Protection of Animals & Nature
The Safina Center
The Urban Wildlands Group
Turtle Island Restoration Network
Virginia Organizing
Wasatch Clean Air Coaliton
Waterkeeper Alliance
Watershed Alliance of Marin
Western Nebraska Resources Council
Western Watersheds Project
Wild Nature Institute
Wild Virginia
WildEarth Guardians
Wilderness Southeast
Wildlife Rescue & Rehabilitation, Inc.
Wishtoyo Foundation
Wyoming Untrapped
Wyoming Wildlife Advocates
Yaak Valley Forest Council

Zero Hour