October 21, 2026

Dear Members of Congress:

On behalf of ocean advocates from 65 organizations across the country, we write to express serious concerns with the Bipartisan American Affordability and Jobs Act (BAAJA). The ocean is our greatest ally in the fight against climate change, absorbing around 90 percent of the excess heat generated by greenhouse gas emissions. A healthy ocean is essential to a livable future for the four in 10 Americans who live near the coast, as well as the multibillion-dollar industries that depend on it to thrive.

BAAJA includes improvements to transmission that will help build the clean energy infrastructure we need to address the climate crisis and its impacts on ocean health. However, other provisions go too far by locking in harmful offshore projects; facilitating fossil fuel development; putting marine wildlife and protected waters at risk; and weakening the laws that protect our ocean. These provisions threaten the environmental, economic, and cultural well-being of coastal communities. We are particularly concerned about the following:

Locking In Offshore Drilling, Deep Sea Mining, and Other Harmful Projects

Although initially framed as a way to address President Trump's attacks on clean energy projects, BAAJA's "project certainty" language (Sec. 1401) would also block future administrations from revisiting harmful permit decisions being made now. That includes many decisions implementing this administration's push to dramatically expand offshore drilling, including in areas off of California's coast, the eastern Gulf, and Alaska's Beaufort Sea. It also includes the administration's dangerous rush to issue permits for seabed mining, which bypasses the International Seabed Authority and the input of Pacific communities, and threatens U.S. coastal health and economies in federal waters. Once the permits for these types of projects are issued, a future administration will not be able to reverse or even modify them, even if the approval was flawed, rushed, or based on inadequate science. This could lock in authorized projects for decades or longer, even if new research reveals catastrophic effects.

The bill goes even further, allowing project developers to sue the federal government for "disparate treatment" if a future administration approves their type of project less frequently than the current one, and to collect up to the full cost of expected construction from taxpayers. By establishing a five-year "lookback" period as the baseline to measure against, BAAJA locks in a standard based on the current administration's preferences, including their rush to approve offshore drilling and deep sea mining permits, and freeze on offshore wind projects. Permitting decisions that extend the life of the fossil fuel industry would facilitate increased production of petrochemical based plastics and their harmful impacts on both ocean ecosystems and human health.

Putting America's Marine Wildlife and Protected Waters at Risk

BAAJA would redefine "best scientific and commercial data available" under the ESA, requiring that data be used without "presumptions" and account for every source of potential error or

uncertainty. This would fundamentally undermine the ESA's goal of preventing extinction and recovering listed species, flipping the law's longstanding presumption in favor of protecting species in the face of uncertain data to one in favor of allowing potentially harmful projects to proceed without important safeguards. That change is particularly concerning for whales, sea turtles, and other marine species that are hard to study or have limited data, especially in light of the current administration's deep cuts to agency staff and research funding. The bill would also shorten the timelines for Section 7 consultations, even as both the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration have lost significant staff and resources necessary to perform consultations.

The bill would also let states take over certain Section 7 consultation responsibilities for projects within their borders, including coastal projects that affect species like manatees and nesting sea turtles. This change would replace the consistent federal process with a patchwork of state processes, impacting migratory marine species that cross state boundaries in particular. BAAJA would also open national marine sanctuaries to rights-of-way for transmission infrastructure, weakening each sanctuary's ability to protect its resources and setting a dangerous precedent.

Taken together, these provisions would set us on a dangerous path that locks in hastily approved offshore drilling and mining projects and establishes a baseline of permit approvals favoring fossil fuels, all the while stripping away the safeguards needed to keep our ocean and coastal communities safe and healthy. We strongly urge Congress to strike these provisions. Rather than cutting science, the public, and the courts out of the permitting process, we should follow the advice of experts who consistently recommend increasing staff and funding for permitting offices instead.

Weakening the Laws that Protect Our Oceans

For more than half a century, the National Environmental Policy Act (NEPA), the Clean Water Act, the Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA) have given states, Tribes, scientists, and coastal communities a say before major decisions are made about our ocean. BAAJA would weaken each of these laws in several ways:

- It would narrow which projects require environmental review and would limit the project alternatives to only those that serve the developer's goals. It would also shorten consultation timelines and allow agencies to ignore research that is published after a review begins.
- It would make it harder for states and Tribes to use the Clean Water Act to protect their coastal waters.
- It would drastically cut the time that a community has to challenge a permit from generally six years to just 150 days. If an agency violated NEPA or NHPA in approving a permit, the courts would no longer have the authority to pause the project while the case is being decided. Even if a community wins, the project could keep moving forward.
- It potentially exempts deep-sea mining permits in international waters from NEPA environmental review.

Our ocean has absorbed the consequences of our choices for generations. It's time to make choices that protect it in return.

Sincerely,

Animal Defenders International
Animal Welfare Institute (AWI)
Azul
Bennett Arts LLC
BlueGreen Generation
California Coastal Protection Network
Californians for Western Wilderness
Carolina Ocean Alliance
Center for Biological Diversity
Center for the Blue Economy
Climate Justice Alliance
Conservation Law Foundation
Cook Inletkeeper
Creation Justice Ministries
Earthjustice Action
Endangered Habitats League
Endangered Species Coalition
Environment America
Environmental Protection Information Center (EPIC)
Finafinau
Fish On
Fly-Fishers International
Friends of Merrymeeting Bay
FutureSwell
GreenLatinos
Greenpeace USA
Hawaii Fishing & Boating Association
Healthy Gulf
Healthy Ocean Coalition
Inland Ocean Coalition
International Marine Mammal Project of Earth Island Institute
KAO Consulting
Kettle Range Conservation Group
Latino Outdoors
Mtn Bio
National Ocean Protection Coalition
New York State Ornithological Association
NYC Plover Project
Ocean Conservation Research

Ocean Defense Initiative
Oceana
Outdoor Outreach
Papahānaumokuākea Coalition / Pacific Islands Heritage Coalition
Queer Surf
Refaluwasch Journal of Knowledge and Culture (RJKC)
Riverkeeper
Sacred Places Institute for Indigenous Peoples
Salted Roots
Santa Barbara Flyfishers
Save Our Shores
Sea Turtle Conservancy
Seven Circles Foundation
Surfrider Foundation
Sustainable Ocean Alliance (SOA)
TAO
The Ocean Project
The Oxygen Project
Turtle Island Restoration Network
Voters For Animal Rights (VFAR)
Western Watersheds Project
Wild Cumberland
WILDCOAST/COSTASALVAJE
Wyoming Untrapped
Yosemite Rivers Alliance
Youth Climate Collaborative