

Dear Senator:

On behalf of over 340 organizations, representing millions of members and supporters, we write to express our opposition to the Energy Permitting Reform Act of 2024 (S. 4753). **This legislation guts bedrock environmental protections, endangers public health, opens up tens of millions of acres of public lands and hundreds of millions of acres of offshore waters to further oil and gas leasing, gives public lands to mining companies, and would defacto rubberstamp gas export projects that harm frontline communities and perpetuate the climate crisis.**

The provisions fast tracking Liquefied Natural Gas (LNG) exports alone could lock in new annual greenhouse gas emissions equivalent to 165 coal-fired power plants and the potential to lock in additional hundreds of millions of tons of climate pollution each year for decades to come. This legislation would force the Department of Energy (DOE) to use outdated climate science and economic analysis and a total lack of assessment of environmental justice impacts and decide whether to approve pending applications whose terminals have been approved by the Federal Energy Regulatory Commission (FERC), including the massive CP2 project, within 90 days of the bill's enactment or they are automatically approved. **The bill undermines the Biden-Harris pause on LNG exports and permanently restricts DOE's review authority by limiting the time DOE has to review exports and requiring automatic approval after 90 day periods.** Without enough time to assess the full scope of the environmental, community, and economic harms of exports, DOE could be forced to approve export applications. The legislation's automatic approval provision also effectively removes the requirement that exports that are contrary to the public interest be rejected and does so in a manner that insulates all such approvals from judicial review.

This legislation will also lead to more leasing, more drilling without federal oversight and community input, more industry interest in lands adjacent to federal lands, more irresponsible speculation, less mitigation, and more orphaned and abandoned wells. These provisions will gut protections for millions of acres of public lands and greatly elevate oil and gas extraction as the highest use of public lands — and will hamstring renewable energy deployment on public lands and on the outer continental shelf by further tying it to oil and gas leasing.

LNG Exports

Title VI of the legislation would effectively curtail DOE's review of gas export applications and extensions. The bill will dramatically limit DOE's ability to gain a complete understanding of the environmental, community, and economic harms of authorizing more LNG exports. These provisions will lead to the rubber stamping of LNG exports that will harm American consumers, do nothing to serve national security interests, perpetuate the climate crisis, and cause further devastation to communities in the Gulf. The bill's requirement that DOE make its decision on new applications within 90 days of FERC completing its environmental review of the LNG terminal means that DOE will no longer be able to conduct a supplemental NEPA analysis that tiers off of FERC's review but covers topics FERC does not, including the upstream and downstream impacts of exporting LNG, and DOE will have to fast-track its public interest assessment. The result of both will likely be that the harms of exports do not get adequately

analyzed and, because DOE must show that the harms of an export authorization outweigh its benefits before denying it, that DOE will be forced to grant export applications that should be rejected. The bill creates an even bigger problem for applications to re-export via Mexico and Canada by starting the 90-day clock upon publication of the draft environmental review document and forcing DOE to make a decision without the benefit of public comment or a final environmental analysis.

One of the most egregious provisions in the bill is the automatic approval of applications for export when any of the 90-day periods lapse. This creates every incentive for a fossil-fuel friendly administration to do no analysis and have every single application for export approved once the 90 days expires. The bill completely removes the requirement that exports that are contrary to the public interest be rejected and does so in a manner that insulates all such approvals from judicial review. The bill effectively removes all basis to challenge an export authorization that is “approved” statutorily based on the passage of time. In addition, the bill ensures that pending and new applications for gas exports be reviewed using studies that DOE has clearly said are outdated and fail to consider important harms, including costs to domestic customers and environmental justice communities, potentially for years to come. The bill requires that any updated studies DOE conducts on climate and macroeconomic impacts be subject to the peer-review process—a step that the existing studies the bill is requiring DOE to use never went through and a process that could take years. In the meantime, the bill forces DOE to use climate and economic studies that are based on stale information and flawed assumptions.

Oil and Gas

Title II of the legislation, including sections 201, 202, and 203, are drawn straight from the oil and gas industry’s wish-list. These provisions will gut protections for millions of acres of public lands and greatly elevate oil and gas extraction as the highest use of public lands. Offshore, these provisions override important statutory protections in the Outer Continental Shelf Lands Act, designed to protect the environment, by forcing Interior to rewrite its five-year offshore leasing program and hold oil and gas lease sales despite environmental concerns. It also constrains Interior’s ability to add environmental stipulations to new offshore leases and fast-tracks the bid approval process, limiting Interior’s ability to decide if a new lease is fiscally and environmentally sound. Onshore, these provisions would cripple vital protections for endangered species, will lead to more leasing, more drilling without federal oversight or community and Tribal input, more interest in drilling on lands adjacent to federal lands, more irresponsible speculation, less mitigation, and more orphaned and abandoned wells. In particular, Section 203 of the bill would exempt “split-estate” scenarios — situations where leased land is non-federal and where the federal government owns less than half of the subsurface minerals, a common occurrence in the West — from the federal drilling permit process and instead puts these decisions in states’ hands, skirting bedrock laws like the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (CWA), and the National Historic Preservation Act. It also exempts these situations from federal bonding and mitigation requirements.

Mining

Section 210 of Title II is the wishlist for the most toxic industry in America, the mining industry. It would first take the already antiquated mining law backwards by removing the validity

requirement for mineral claims by provisions such as 210(a) which is a trojan horse that will remove the requirement of establishing claim validity. It also allows companies to file an unlimited number of mill site claims that will be used for dumping their waste or building roads and pipelines on public lands. Finally, it establishes an abandoned hardrock mine fund, but fails to fund it through any new royalty or with any new responsibility on mining companies who have already left hundreds of thousands of abandoned mines polluting the country.

Judicial Review

The legislation contains severe restrictions on judicial review that, if passed, would prevent stakeholders, local governments, and impacted communities from holding the government accountable. Specifically, Title I would shorten the statute of limitations under the Administrative Procedures Act to just 150 days. This means that communities would have to file suit for covered projects within just a few months or lose their chance to challenge ill-informed decisions forever. Worse, due to inadequate notice requirements, it is possible impacted parties may lose their chance to challenge a project before they even become aware of a decision impacting the health or safety of their community. The abbreviated time frame and lack of adequate notice places an undue burden on interested parties and communities with limited resources and threatens to exacerbate environmental injustices.

While the bill includes provisions that may possibly accelerate the deployment of the critical clean energy and the transmission infrastructure we have been championing, they should not be paired with massive giveaways to the fossil fuel and mining industry. The A. Donald McEachin Environmental Justice for All Act and the Clean Electricity and Transmission Acceleration Act, offer real solutions to address permitting issues that often slow the deployment of renewable energy sources and the transmission infrastructure that is crucially needed to support them, without including handouts for the fossil fuel industry or sacrificing communities. **We urge Congress to reject this proposal and instead, put forward real solutions to build a clean energy economy, and not pair those reforms with giveaways to the fossil fuel industry.**

Thank you,

1000 Grandmothers for Future Generations	350.org
198 methods	350Brooklyn
350 Bay Area Action	350Hawaii
350 Conejo / San Fernando Valley	Accelerate Neighborhood Climate Action
350 Eugene	Action for the Climate Emergency (ACE)
350 Mass	Aid Organization
350 NYC	Alabama Interfaith Power & Light
350 Sacramento	Alaska Community Action on Toxics
350 Seattle	Alaska Wilderness League
350 Triangle	ALIGN

Alliance of Nurses for Healthy Environments
American Jewish World Service
Animal Welfare Institute
Animals Are Sentient Beings, Inc
Appalachian Voices
Arizona Mining Reform Coalition
Avalon Universal Enterprises
Azul
Benicians for a Safe and Healthy Community
Berks Gas Truth
Better Path Coalition
Between the Waters
Between the Waters
Beyond Extreme Energy
Beyond Plastics
Black Hills Clean Water Alliance
BlueWaveNJ
Bold Alliance
Boston Catholic Climate Movement
Boston Clean Energy Coalition
Breach Collective
Bucks Environmental Action
Building Unity
Businesses for a Livable Climate
Businesses for Conservation and Climate Action
Buy Local, Grow Local
California Communities Against Toxics
California Environmental Voters
California Nurses for Environmental Health and Justice

Californians for Western Wilderness
Call to Action Colorado
Cape Downwinders
CASA
CatholicNetwork US
Catskill Mountainkeeper
Center for Biological Diversity
Center for Oil and Gas Organizing
Center for the Blue Economy
Change The Chamber
Chesapeake Climate Action Network Action Fund
Childers & Baxter, PLLC
Chispa Texas
Citizen
Citizen Action of New York
Citizens Caring for the Future
Citizens Coal Council
Citizens to Protect Smith Valley (NV)
Clean Air Council
Clean Energy Action
Clean Water Action
Climate Action California
Climate and Community Project
Climate Conversation Brazoria County
Climate Hawks Vote
Climate Reality Monterey Chapter
Climate Reality Project San Diego
Climate Reality: Pittsburgh & Southwestern PA
Climate Smart Missoula

ClimateVoice, a project of Tides Center
Coal River Mountain Watch
Coalition to Ban Unsafe Oil Trains
Coalition to Protect America's National Parks
Colorado Businesses for a Livable Climate
Columbia Riverkeeper
Common Defense
Common Ground Rising
Community for Sustainable Energy
Compressor Free Franklin
Conservation Lands Foundation
Continental Divide Trail Coalition
CTR
CWA Local 1081
Dayenu Nassau County
Defend Ballona Wetlands
Defenders of Wildlife
Des Moines County Farmers and Neighbors for
Optimal Healthier Optimal Health
Don't Gas the Meadowlands Coalition
Don't Waste Michigan
Dragoon Conservation Alliance
Earth Ethics, Inc.
Earthjustice
Earthworks
Electric Vehicle Association
Empower Our Future
End Climate Silence
Endangered Species Coalition
Environmental Protection Information Center

Environmental Working Group
Extinction Rebellion Mid-Hudson
Extinction Rebellion San Francisco Bay Area
Florida For Good
Food & Water Watch
For All
Forest Hills Green Team
Fossil Free California
Four Corners Old Broads
FrackBusters NY
FracTracker Alliance
Franciscan Action Network
FreshWater Accountability Project
Fridays for Future
Friends of Buckingham
Friends of the Earth Action
Friends of the Kalmiopsis
Friends of the Santa Cruz River
Friends of Sonoita Creek
Friends of the Sonoran Desert
Gila Resources Information Project
Global Family Legal Services
Good Neighbor Steering Committee of Benicia
Grand Canyon Trust
Grandmothers' Village Project, Inc.
Grassroots Environmental Education
Great Basin Water Network
Great Bear Foundation
Great Old Broads for Wilderness

Great Old Broads for Wilderness, The South San
Juan chapter

Great Plains Action Society

Greater New Orleans Housing Alliance

GreenLatinos

Greenpeace Hawaii

Greenpeace USA

Hands Across the River

Harambee House, Inc. / Citizens for
Environmental Justice

Idaho Rivers United

Indian Point Safe Energy Coalition

Indigenous Environmental Network

Information Network for Responsible Mining

Ingleside on the Bay Coastal Watch Association

Institute for Policy Studies Climate Policy
Program

Interfaith Power & Light

Jewish Climate Action Network

Kalmiopsis Audubon Society

Kate Sessions Trees

Kauai Climate Action Coalition

Labor Network for Sustainability

Laguna Acoma Coalition For A Safe
Environment

League of Conservation Voters

Long Island Progressive Coalition

Los Padres ForestWatch

Lynn Canal Conservation

Malach Consulting

Maryknoll Office for Global Concerns

Media Alliance

MEIC

Mennonite Central Committee U.S.

Mid-Missouri Peaceworks

Mid-Ohio Valley Climate Action

Milwaukee Riverkeeper

Mining Impact Coalition of Wisconsin

Montana Environmental Information Center

Montana Wildlife Federation

Mother Kuskokwim Tribal Coalition

Mothers Out Front

MoveOn

Nassau Hiking & Outdoor Club

Natural Resources Defense Council

NC Interfaith Power & Light

NETWORK Lobby for Catholic Social Justice

New Energy Economy

New Mexico Climate Justice

New Mexico Environmental Law Center

New Mexico Wildlife Federation

New York Climate Advocacy Project

New York Clinicians for Climate Action

New York Communities for Change (NYCC)

Nicaragua Center for Community Action

NJ State Industrial Union Council

North American Climate, Conservation and
Environment (NACCE)

North Country Earth Action

North County Climate Change Alliance

North Jersey Sierra Group

Northeastern Minnesotans for Wilderness
Northern Front Range Broadband of Great Old
Broads for Wilderness
Northern Plains Resource Council
Nuclear Energy Information Service (NEIS)
Nuclear Information and Resource Service
Nuclear Information and Resource Service
Nuestra Tierra Conservation Project
Nukewatch
Ocean Conservancy
Ocean Conservation Research
Ocean Defense Initiative
Oceana
Oil and Gas Action Network
Oil Change International
Oilfield Witness
Okanogan Highlands Alliance
Operation HomeCare, Inc.
Oregon Conservancy Foundation
Oregon Natural Desert Association
Our Revolution
Our Zero Waste Future
Oxfam America
PARA
Park County Environmental Council
PASUP (Pittsburghers Against Single Use
Plastic)
Patagonia Area Resource Alliance
PDA NJ
Peace Action WI
PennFuture

People of Albany United for Safe Energy
(PAUSE) / 350 Capital District
People's Action
Peoples Climate Movement - NY
Physicians for Social Responsibility
Physicians for Social Responsibility
Pennsylvania
Pipe Line Awareness Network for the Northeast,
Inc
Pivot Point
Plug In America
Possible Planet
Progress Texas
ProgressNow New Mexico
Project CoffeeHouse
Project Eleven Hundred
Project New Village
Property Rights and Pipeline Center
Protect Our Water, Heritage, Rights (POWHR)
Protect Rio Rico
PSR Arizona
Public Citizen, Inc.
Putting Down Roots
Quittapahilla Watershed Association
R.I.S.E. Coalition
Rachel Carson Council
Re:Solve NW
Resource Renewal Institute
Responsible Decarbonization Alliance (RDA)
Rise to Thrive
Rise Up WV

Rivers & Mountains GreenFaith Circle
Rock Creek Alliance
Rocky Mountain Recreation Initiative
Rocky Mountain Wild
RootsAction.org
Safe Energy Rughts Group
San Diego Audubon Society
San Francisco Bay Physicians for Social Responsibility
San Pedro 100
SanDiego350
Santa Fe Green Chamber of Commerce
Save Animals Facing Extinction
Save Lake Superior Association
Save Our Cabinets
Save Our Sky Blue Waters
Save RGV
Save Rio Rico
SD Green New Deal Alliance
SEE (Social Eco Education)
Seeding Sovereignty
Sierra Club
Silvix Resources
Sisters Health & Wellness Collective
Sky Island Alliance
Snake River Alliance
Society of Native Nations
Soda Mountain Wilderness Council
South Bronx Unite
Southeast Alaska Conservation Council

Southern Oregon Climate Action Now
Southern Utah Wilderness Alliance
Sowing Justice
SPD 540, LLC
Stand.earth
Start:Empowerment
Sunflower Alliance
Sunrise Movement
Surfrider Foundation
Teachers Insurance Annuity Association-Divest!
Terra Advocati
TerraSol Center LLC
Texas Campaign for the Environment
The Enviro Show
The Ocean Project
The People's Justice Council
The Wei LLC
The Wilderness Society
Therapists for Peace & Justice
Third Act NYC
Third Act RVA
Third Act Texas
THIS! Is What We Did
Three Mile Island Alert
TRUST Climate Action Strategists
Turtle Island Restoration Network
UCSB Environmental Law Club
Union of Concerned Scientists
Unitarian Universalists for a Just Economic Community

United Church of Christ

United Climate Action Network (UCAN)

United For Clean Energy

US Federal and Arizona State Taxpayer

Usto Ventu Gruppo

Vessel Project of Louisiana

Virginia Community Action Network

Vote Climate

Waterkeeper Alliance

Waterspirit

WE ACT for Environmental Justice

Weber Sustainability Consulting

Western Environmental Law Center

Western Organization of Resource Councils

Western Watersheds Project

Wild Arizona

Wild Montana

Wilderness Workshop

Winter Wildlands Alliance

Women for a Healthy Environment

Worcester Congregations for Climate and Environmental Justice

Xplore Outside

Young, Gifted & Green

Youth United for Climate Crisis Action

Zero Hour