

**CITIZEN GROUP LETTER
OPPOSING THE ENERGY POLICY MODERNIZATION ACT S.2012**

May 24, 2016

Chairwoman Lisa Murkowski
Ranking Member Maria Cantwell
U.S. Senate Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Cc: President Barack Obama
U.S. Senators

Dear Chairwoman Murkowski and Ranking Member Cantwell:

We, over 370 organizations collectively representing millions of Americans, write to express our outrage at provisions contained in the Energy Policy Modernization Act (S. 2012), as passed in the Senate, that expand domestic oil and gas development. We strongly oppose any final energy bill that encourages more domestic oil and gas extraction and stifles our urgently-needed transition toward a clean, renewable energy future.

First, the proposed bill would unacceptably expedite approval of liquefied natural gas (LNG) export terminals (Sec. 2201), review of new mining permits (Sec. 3305), and oil and gas permitting and drilling through an expansive 2,000-well pilot program (Sec. 3104). Expediting review of LNG export terminals—by requiring the Federal Energy Regulatory Commission (FERC) to approve projects only 45 days after filing the final environmental review—undermines the very transparency and prudence that federal actions should be premised on to protect our communities and environment. The provision truncates the time necessary for FERC to thoroughly evaluate the alternatives outlined in the final environmental review, and the options for mitigating environmental harm. It also undercuts the public’s ability to ensure that such expansive projects will not threaten our communities and habitats impacted by proposed terminals and related pipelines, railways, and drilling sites that support these projects.

Second, the proposed bill would needlessly make FERC the lead agency over all federal authorizations for natural gas projects, including review under the National Environmental Policy Act (NEPA), and require all state and other federal agencies conducting authorizations to give “deference” to FERC. Endowing FERC with this authority can lead to very harmful consequences. NEPA has an existing process for determining the proper lead agency, and yet this provision may reassign NEPA authority to FERC from other agencies more directly involved with the project. Further, state and federal deference to FERC’s decisions on the scope

of environmental review is dangerous because it undercuts the ability for state and other federal agencies to conduct the open and independent review critical to protecting our local communities and environment. Moreover, the provision states that “all Federal authorizations required for a project or facility should be issued by no later than the date that is 90 days after the date on which an application is considered to be complete” by FERC. This limited timeframe is clearly designed to undermine the ability of state and other federal agencies to thoroughly evaluate the environmental effects of proposed pipeline projects, in direct opposition to the policy goals of NEPA.

Expediting the build-out of fossil fuel infrastructure takes us in exactly the wrong direction at a time when we must urgently transition to the low-carbon future that our country committed to in the historic climate change Paris Agreement. Science demands that we must keep the vast majority of our fossil fuels in the ground to avoid the worst consequences of climate change. Yet expediting LNG export terminals does the exact opposite: it leads to more dangerous hydraulic fracturing (fracking) for natural gas across this country, resulting in increased greenhouse gas emissions, and incentivizes the construction of new domestic natural gas-fired power plants. Encouraging investment in fossil fuel infrastructure blatantly stifles our transition away from the dirty fossil fuels causing the current climate catastrophe.

Critically, all aspects of infrastructure associated with natural gas extraction and export pose serious threats to the public health and safety of millions of Americans. As the majority of new gas wells supplying gas exports will be developed through unconventional fracking, American communities will experience increased toxic air pollution, drinking water contamination, decimation of wildlife habitat, risk of explosions from “bomb trains” carrying crude oil cross-country, and surges in earthquakes like those caused by the oil and gas industry in Oklahoma.¹ These outcomes are simply unacceptable for the health and safety of Americans.

We are also concerned with other provisions of this legislation that drive fossil fuel development. The proposed bill authorizes \$175 million to fund the dramatic expansion of methane hydrates research and development (Sec. 3101). Tapping into methane hydrates would unleash another source of greenhouse gases and build further reliance on fossil fuels. In addition, the bill proposes a study of the potential for ethane storage in the Marcellus, Utica, and Rogersville shale plays, but the study would only factor in economic—and not the environmental or climate change—impacts of such storage (Sec. 3106). Similarly, the proposed bill seeks to sponsor a study of the effects of exporting LNG that, again, entirely ignores the environmental effects and only narrowly focuses on economic effects of LNG exports (Sec. 3102). Finally, the proposed bill seeks to develop an internet-based land lease sale system for oil and gas extraction

¹ See CONCERNED HEALTH PROFESSIONALS OF NEW YORK & PHYSICIANS FOR SOCIAL RESPONSIBILITY, *Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking* (Oct. 14, 2015), 3 Ed., <http://concernedhealthny.org/wp-content/uploads/2012/11/PSR-CHPNY-Compendium-3.0.pdf>

on federal lands to preclude “disruption to a sale” like fair public comment and protest (Sec. 3104), which have been important to public participation thus far.

As your constituents, we urge Congress to pass *real* energy modernization legislation that greatly advances energy efficiency to reduce the amount of energy we utilize, builds on successful policies to expand clean energy sources such as solar and wind, and drastically reduces our economic and energy dependence on dirty fossil fuels. Any further reliance on dirty fossil fuels only serves corporate interests—and not those of everyday Americans who have elected you to act in our public interest.

We oppose any legislation that includes the provisions discussed and urge you to remove these provisions from final energy legislation. Energy policy must reject continued reliance on fossil fuels—and instead champion a speedy and just transition to a clean energy future.

Sincerely,

National Groups

350.org

Americans Against Fracking

Beyond Extreme Energy BXE

Breast Cancer Action

Center for Biological Diversity

Center for Earth Ethics

Center for Environmental Health

Center for International Environmental Law

Center for Popular Democracy

Climate Hawks Vote

ClimateMama

Community Science Institute, CSI for
Health and Justice

Courage Campaign

Dogwood Alliance

Earthworks

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Eco-Eating

EcoEquity

Energy Action Coalition

Environmental Action

Food & Water Watch

Friends of the Earth

Greenaction for Health and Environmental
Justice

Greenpeace USA

Heartwood

iMatter Youth

Indigenous Environmental Network

Institute for Policy Studies, Climate Policy
Program

Justice Action Mobilization Network

League of United Latin American Citizens

Los Alamos Study Group	Rainforest Action Network
MOMS Advocating Sustainability	Rising Tide North America
National People's Action	RootsAction
Nuclear Information and Resource Service	Rootskeeper
Oil Change International	Stop the Frack Attack
OWS Special Projects Affinity Group	SustainUS
Partnership for Policy Integrity	The Shalom Center
Patriots From The Oil & Gas Shales	Transition Express Campaign
People Demanding Action	Turtle Island Restoration Network
Popular Resistance	Unitarian Universalist Ministry for Earth
Progressive Democrats of America	United Native Americans
Project Coyote	Waterkeeper Alliance, Inc.
Protect Mustangs	We the People
Psychologists for Social Responsibility - Climate Action Group	Whale and Dolphin Conservation
Rachel Carson Council	Wild Nature Institute
Radiation Truth	WildEarth Guardians

Regional, State & Local Groups

350 Brooklyn	350 Seattle
350 Colorado	350 Silicon Valley
350 Connecticut	350 South Florida
350 Kishwaukee	A Thousand Friends of Virginia's Future
350 Loudoun	Advocates for Cherry Valley
350 Maine	Advocates for Morris
350 Massachusetts	Advocates for Springfield
350 Massachusetts North Shore	AFSCME Chapter 57 (Retirees)
350 NYC	Already Devalued and Devastated
350 Plattsburgh	Homeowners of Parsippany
350 Santa Cruz	Altamaha Riverkeeper

Animals Are Sentient Beings, Inc.
 Arise for Social Justice
 Asamblea de Gonzales
 Aspen Strategy Center
 Atchafalaya Basinkeeper
 Athens County Fracking Action Network
 Balance & Accuracy in Journalism
 Banks of the Wabash, Inc.
 Battle Creek Alliance
 Bay Area System Change not Climate
 Change
 Beacon Climate Action
 BeanCounters Unlimited
 Bellmore Merrick Democratic Club
 Berks Gas Truth
 Berkshire Environmental Action Team
 Breathe Easy Susquehanna County
 Building Bridges Coalition
 California Consumers Alliance
 California Prison Moratorium Project
 Californians Against Fracking
 Californians for Western Wilderness
 Campaign for Renewable Energy
 Catskill Citizens for Safe Energy
 Catskill Mountainkeeper
 Center for a Sustainable Coast
 Central California Asthma Collaborative
 Central Ohio Green Party
 Central Park CSA
 CERBAT
 Chatham Research Group
 Chesapeake Climate Action Network
 Chesapeake Physicians for Social
 Responsibility
 Children for a Safe Environment
 Christians for the Mountains
 Church Women United in New York State
 Citizen Action of New York
 Citizens Coalition for a Safe Community
 Citizens for Local Power
 Citizens for Responsible Oil and Gas
 City of Oneonta Environmental Board
 Clean Energy Voters
 Clean Water Action
 Cleveland Environmental Action Network
 Climate Change Action
 Clintonville Energy Collaborative
 Coalition Against Rockaway Pipeline
 Coalitions of Mutual Endeavor
 Coastal Monmouth Democratic Club
 CODEPINK New York
 CODEPINK: Women for Peace, Long
 Island
 Coloradans Against Fracking
 Columbus Community Bill of Rights
 Comite Civico del Valle
 Community Research
 Community Rights Organization of Willits
 Complete It Cuomo
 Compressor Free Franklin
 Concerned Burlington Neighbors
 Concerned Citizens of Otego

Concerned Citizens of Rural Broome	Florida Clean Water Network
Concerned Citizens Ohio	Florida Federation of Garden Club
Concerned Residents of Oxford	FLOW (For Love of Water)
Connecticut Sierra Club	Fore River Residents Against the
CWA Local 1081	Compressor Station
Damascus Citizens for Sustainability	Fossil Free Tompkins
Deep Green Resistance New York	FracDallas
Delaware Riverkeeper Network	Frack Action
Desert Protection Society	Frack Free New Mexico
Don't Waste Arizona	FreshWater Accountability Project
Dryden Resource Awareness Coalition	Fresnans Against Fracking
Dryden Solutions	Friends of Butternuts
Earth Care	Friends of Merrymeeting Bay
Earth Ethics, Inc.	Friends of Sustainable Sidney
Earth First Initiative	Friends of the Harmed
ECHO Action	Friends of the Pogonip
Ecological Health Organization, Inc.	Gas Free Seneca
Ecology Party of Florida	Grace Community Church
Elder Creek Ecological Preserve	Grassroots Environmental Education
Elmirans & Friends Against Fracking	Gray Panthers, NYC Network
Emerald Coastkeeper, Inc.	Greater Brunswick PeaceWorks
Emerge USA	Green Delaware
Environmental Caucus of Florida	Green Party of Nassau County
Environmental Justice Center at Chestnut	Green Party of Pennsylvania
Hill United Church	Green Sanctuary Committee, Community
Environmental Protection Information	Church of New York, Unitarian
Center (EPIC)	Universalist
Essex/Passaic Green Party, New Jersey	Green Sanctuary, Unitarian Universalist
FaCT-Faith Communities Together for a	Congregation of Binghamton
Sustainable Future	Green Team of Unitarian Universalist
First Parish in Brookline	Church of Loudoun

Green Team of Unitarian Universalist
Society of Springfield, MA
Greenville Pipeline Resistance
Groton Resource Awareness Coalition
Guernsey County Citizens Support on
Drilling Issues
Hands Across the Sand
Hoosier Environmental Council
Houston Peace News
Howard County (MD) Climate Change
Hudson River Sloop Clearwater, Inc.
Idaho Concerned Area Residents for the
Environment
Illinois Citizens for Clean Air & Water
Illinois People's Action
Indian Point Safe Energy Coalition
Inspiration of Sedona
Intertribal Territories Recovery Institute
Iowa Sierra Club
Kinnelon Conserves
La Cuna de Aztlan
Labor Network for Sustainability
Lehigh Valley Gas Truth
Leopold Group, S.E. Iowa Chapter
Local Clean Energy Alliance
Longmeadow Environmental Transition
Group
Lopez NO COALition
Los Padres ForestWatch
Maine Students for Climate Justice
Mainstreet Moms

Manhattan Project for a Nuclear-Free World
Marcellus Protest
Marin Water Coalition
Mason Pipeline Committee, Mason, NH
Massachusetts Interfaith Coalition for
Climate Action
Matanzas Riverkeeper
Mercedians Against Fracking
Merrimack Citizens for Pipeline Information
Michigan Citizens for Water Conservation
Middlefield Neighbors
Milford Doers
Milwaukee Riverkeeper
Minnesota Public Interest Research Group
Mobile Baykeeper
Mohawk Valley Keeper
Moms Clean Air Force, Maryland
Monadnock Energy Resources Initiative
Monmouth Community Climate Coalition
Mothers Out Front
Mountain Watershed Association
Nature Coast Conservation, Inc.
New Energy Economy
New Jersey Tenants Organization
New Lisbon Neighbors
New Paltz Climate Action Coalition
New York Climate Action Group
New York Public Interest Research Group
New Yorkers Against Fracking
NH Pipeline Awareness

North American Climate Conservation and Environment
North Jersey Pipeline Walkers
Northern Michigan Environmental Action Council
NY Buddhist Climate Action Network
NY PIRG
NYC Friends of Clearwater
NYC Safe Energy Campaign
Oasis Teen Shelter
Occupy Bergen County
Occupy SF Environmental Justice Working Group
Ohio Sierra Club
Ohio Valley Environmental Coalition
Orange RAPP
Oregon Climate
Otsego 2000
Our Health, Our Future, Our Longmont
PAUSE - People of Albany United for Safe Energy
Pax Christi Florida
Peace Club of Fairmont, Minnesota
Peekskill Westside Neighborhood Association
Pennsylvanians Against Fracking
People for a Healthy Environment, Inc.
People, Not Pipelines
People's Climate Movement-Capital Region
Physicians for Social Responsibility, Arizona

Physicians for Social Responsibility, New York
Plymouth Friends of Clean Water
Post Oil Solutions
Presentation Sisters of Aberdeen, South Dakota
Preserve Franklin
Preserve Roanoke
Preserve Wild Santee
Protect Monterey County
Protect Orange County
Public Health and Sustainable Energy
Quaker Earthcare Witness
Raritan Headwaters Association
Residents Allied for the Future of Tioga
Residents of Crumhorn Mountain
ResistAIM
Resources for Organizing and Social Change
RESTORE: The North Woods
Rhode Island Progressive Democrats
River Guardian Foundation
RIVERKEEPER
ROAR Against Fracking
Roseland Against Compressor Station
Safe Energy Rights Group (SEnRG)
San Luis Obispo Mothers for Peace
Sanctuary Woods
Sane Energy
Santa Cruz Climate Action Network

Save Nevada's Water: Ban Fracking in
Nevada
Save Our Shores
Save Our Sky Blue Waters
SCRAM - Sullivan County Residents
Against Millennium
Shut Down Indian Point Now!
Sierra Club, New Jersey Chapter
Sierra Club, Niagra Group Chapter
Sierra Club, Virginia Chapter
Sisters of Mercy West Midwest Justice
Team
SLO CLEAN WATER
SLO350
Small Planet Institute and Fund
SoEd Benefit Corp
South East Communities Against Pollution
(SECAP)
South Florida Wildlands Association
Southern Cayuga Anti-Fracking Alliance
Southern Illinoisans Against Fracturing Our
Environment
Southern Oregon Climate Action Now
Springfield Climate Justice Coalition
St. Mary's Parish of Pompton Lakes
Stand Up/Save Lives Campaign
Stop NY Fracked Gas Pipeline
Stop the Algonquin Pipeline Expansion
Stop The Minisink Compressor Station
Stop The NH Pipeline
StopNED

Sugar Shack Alliance
Sullivan Alliance for Sustainable
Development
Sullivan Area Citizens for Responsible
Energy Development
Summers County Historic Landmarks
Commission
Sunflower Alliance
Sustainable Hudson Valley
Sustainable McDonough
Sustainable Medina County
Sustainable Otsego
Sustainable Tompkins
Sustainable West Milford
Tar Sands Action Southern California
Tennessee Riverkeeper
Texas Drought Project
The Green Resource Hub of the Finger
Lakes
The Lands Council
The North Country 350 Alliance
The River Project
The Watershed Partnership, Inc.
Theodore Parker Church Social Action
Committee
Time Laboratory
Tri-County Watchdogs
TriStates Unite for Safe Energy
Unitarian Universalist Legislative Ministry
of New Jersey

Unitarian Universalist Pennsylvania,
Legislative Advocacy Network
Unitarian Universalist Women's
Association, Metro NY District
United for Action
Vallewatch
Voters Occupy
Wasatch Clean Air Coalition
Waterkeepers Chesapeake
We Are Seneca Lake
West Berkeley Alliance for Clean Air and
Safe Jobs

West Roxbury Saves Energy
White Rabbit Grove RDNA
WILDCOAST
Wisconsin Network for Peace and Justice
Women Donors Network
Women's International League for Peace
and Freedom, Milwaukee Chapter
WR Quarry Neighbors for a Fossil Fuel Free
Future
Zen Mountain Monastery