

May 5, 2025

The Honorable Bruce Westerman, Chairman
The Honorable Jared Huffman, Ranking Member
United States House Committee on
Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Huffman:

On behalf of the 88 undersigned organizations, and our millions of supporters and members, we write to you to express our strenuous opposition to Section 80151 on “Project Sponsor Opt-In Fees for Environmental Reviews.” Our organizations oppose multiple sections of this legislative proposal, but Section 80151 merits specific attention due to the brazen “Pay to Pollute” scheme it codifies in the National Environmental Policy Act (NEPA). This proposal prioritizes private profit over the public interest and exhibits an astonishing disregard for government accountability, the rule of law, protection of wildlife and ecosystems, and the voices and welfare of communities, especially communities of color and of low-income, impacted by federal decisions and the buildout of critical infrastructure.

The proposal would amend NEPA to allow project sponsors to pay a fee covering 125% of the cost of conducting an EIS or EA to shortchange environmental review and evade judicial scrutiny. Project sponsors would receive guaranteed expedited timelines for completion of the process that are far shorter than what was agreed to on an overwhelmingly bipartisan basis in the Fiscal Responsibility Act and prevent any legal challenge to those projects even if reviews were inadequate and the results were harmful.

Federal courts have been instrumental in ensuring that agencies comply with NEPA. The severe and arbitrary elimination of judicial review would seriously undermine the important purposes of NEPA and cause significant harm to communities as well as the integrity of the informed decision-making process that NEPA promotes. The proposal would ensure that projects move forward regardless of how egregiously they break the law or how harmful the health, economic, or environmental impacts of a project are to a community, Tribe, or imperiled wildlife. No matter how serious the violation, there would be no recourse. This anti-democratic handout to the wealthiest corporations must be rejected. Americans have one set of laws by which we all agree to abide. This provision would set up two: one for the rich, and one for everyone else.

The proposal also includes an “Opt-in” proposal that would gut a core safeguard of NEPA by removing the requirement that agencies independently evaluate environmental reviews. NEPA, as amended, already requires lead agencies to allow private project sponsors to prepare environmental review documents, with the important caveat that “[t]he lead agency shall independently evaluate the environmental document and shall take responsibility for the contents.” 40 U.S.C. 4336a(f). The requirement of agency oversight is key to ensuring the integrity of the environmental analysis and compliance with NEPA. The “Opt-In” proposal would essentially nullify this protection and eliminate government accountability for responsible decision-making and analysis of impacts.

Section 80151 represents a sweeping attack on the foundational principles of NEPA, deliberately eliminating transparency, accountability, and public participation in order to rubber stamp drilling, mining, logging, and other damaging extractive projects. By eliminating meaningful oversight and any legal recourse, this provision would all but guarantee the approval of harmful projects, regardless of the risks they pose or the laws they violate. We urge you to reject this dangerous proposal.

Sincerely,

Alaska Community Action on Toxics

Alaska Wilderness League

Animal Welfare Institute

Ballona Wetlands Institute

Black Hills Clean Water Alliance

California Environmental Voters

Californians for Western Wilderness

CalWild

Cascade Forest Conservancy

Cascadia Climate Action Now

Center for Biological Diversity

Chattooga Conservancy

Citizens for Clean Air

Climate Communications Coalition

Climate Hawks Vote
Climate Justice Alliance
Climate Relations LLC
Coal River Mountain Watch
Coalition to Protect America's National Parks
Coastal Lands Action Network
Conservation Lands Foundation
Conservatives for Responsible Stewardship
Creation Justice Ministries
Dayenu: A Jewish Call to Climate Action
Defend Ballona Wetlands
Defenders of Wildlife
Earthjustice Action
Earth Neighborhood Productions
Earthworks
EDF Action
Endangered Species Coalition
Environmental Protection Information Center- EPIC
Food and Water Watch
Friends of the Amargosa Basin
Friends of the Earth
Friends of the Inyo
Friends of the Kalmiopsis
Friends of the Lost Coast
Global Witness
Great Bear Foundation

GreenLatinos
Idaho Conservation League
Interfaith EarthKeepers
John Muir Project
Kahtoola, Inc.
Kettle Range Conservation Group
Kucinich Institute for Human and Ecological Security
League of Conservation Voters
Los Padres ForestWatch
Malach Consulting
Massachusetts Forest Watch
Montana Environmental Information Center
Mother Kuskokwim Tribal Coalition
Native Movement
Native Village of Dot Lake, AK
NETWORK Lobby for Catholic Social Justice
New Mexico Wild
Northeastern Minnesotans for Wilderness
Oil & Gas Action Network
Oil Change International
Okanogan Highlands Alliance
Physicians for Social Responsibility
Resource Renewal Institute
Restoring Earth Connection
Rock Creek Alliance
San Juan Citizens Alliance

San Luis Valley Ecosystem Council
Save Lake Superior Association
Save Our Sky Blue Waters
Sierra Club
Silvix Resources
Sisters of Mercy of the Americas Justice Team
Soda Mountain Wilderness Council
Southern Environmental Law Center
Spokane Audubon Society
The Ocean Project
The Wilderness Society
Turtle Island Restoration Network
Union of Concerned Scientists
WE ACT for Environmental Justice
Weber Sustainability Consulting
Western Environmental Law Center
Western Organization of Resource Councils
Western Shoshone Defense Project
Western Watersheds Project
Wild Hope
Wilderness Workshop
Yaak Valley Forest Council