

Stop the Dirty Pipeline Deal

Letter from New York State & Local Elected Officials

September 27, 2022

Dear Senators Schumer and Gillibrand and Members of New York's Congressional Delegation:

We urge you to stop Senator Manchin's proposal to ease permitting for new fossil fuel projects, which would undercut New York's ability to protect air and water quality, fight climate change, and promote environmental justice. This noxious legislation would weaken two of the nation's bedrock environmental laws, the Clean Water Act and the National Environmental Protection Act (NEPA), reducing public participation and environmental justice review of large, new fossil fuel projects nationwide, including in New York.

New York has defeated and denied permits to many polluting projects. In fact, we opposed the Williams NESE fracked gas pipeline, which would have polluted our air and water while causing millions of metric tons of climate-heating pollution. New York relied upon authority derived from the federal Clean Water Act to carefully review and ultimately deny the project.

Under this proposed deal, New York would lose important powers to review and halt dangerous, polluting projects, such as Williams NESE. As communities organized and alerted us to the project, the Department of Environmental Conservation issued two one-year interim denials to Williams, completing a full analysis after three years, and ultimately denying the project its necessary Section 401 permit under the state's authority to enforce the federal Clean Water Act.

If this deal is enacted, the state's review powers would be sharply limited, including through limiting the process to one year and limiting consideration of potential negative outcomes of a given project. Future projects like this could be declared a project of "National Interest" by a president, expediting approval. If this proposed deal had been in effect during Trump's presidency, it is quite possible, perhaps even likely, that the Williams NESE project – and other projects our state halted – would be under construction right now, to New Yorkers' detriment.

We also strenuously object to other aspects of the proposed bill, which would rewrite the National Environmental Policy Act (NEPA). NEPA is a model worldwide for allowing formal public participation and review of large polluting projects. Manchin's proposal would amend the statute to knock the legs out from under local communities seeking to protect themselves, particularly low-income communities of color and tribal nations. For example, setting a 150 day time limit for legal action under the act is outrageous.

We also support communities in other states fighting polluting oil and gas infrastructure, including the notorious Mountain Valley Pipeline (MVP), which would pave a path of destruction through West Virginia, Virginia, and North Carolina. MVP is a pet project of Senator Manchin's.

It is currently stalled and will be defeated unless this legislation is enacted, which would override the courts and lead to the MVP's approval outright. That provision of the legislation is especially outrageous.

Puerto Rico and Pakistan are currently devastated by the accelerating climate crisis. Neighborhoods in New York City are still recovering from the effects of Sandy and Ida, and parts of Louisiana and Mississippi have not fully recovered from Hurricane Katrina. Our districts also feel the impact of the crisis through heat waves, flooding, worse air quality, sea level rise, and more extreme weather events.

As the International Energy Agency has stated, no new fossil fuel infrastructure is compatible with avoiding global catastrophe. Now is not the time to trample over environmental justice concerns and lock in decades of future emissions through new fossil fuel infrastructure. We urge you to stop this deal to force through more fossil fuel infrastructure and drilling, weaken New York's ability to protect our constituents, and outright approve the Mountain Valley Pipeline. We hope that you will champion the Environmental Justice for All Act and other policies that will move the nation off fossil fuels, transition to renewable energy, and prevent climate change.

Sincerely,



Alessandra Biaggi
New York State Senate

Jabari Brisport
New York State Senate



Liz Krueger
New York State Senate

Sean M. Ryan
New York State Senate



James Sanders Jr.
New York State Senate



Robert Carroll
New York State Assembly

Phara Souffrant Forrest
New York State Assembly



Jessica González-Rojas
New York State Assembly

Andrew D. Hevesi
New York State Assembly

Anna Kelles
New York State Assembly



Marcela Mitaynes
New York State Assembly



Linda Rosenthal
New York State Assembly



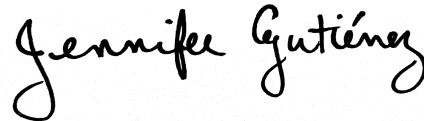
Jo Anne Simon
New York State Assembly



Alexa Avilés
New York City Council



Tiffany Cabán
New York City Council



Jennifer Gutiérrez
New York City Council



Shahana Hanif
New York City Council



Sandy Nurse
New York City Council

Nancy Kaboolian
Mayor, Village of Ardsley



Nicola Armacost
Mayor, Village of Hastings-on-Hudson

Sam Fein
Albany County Legislator

William Reinhardt
Albany County Legislator

Asha Bencosme
Trustee, Village of Ardsley



Morgen Fleisig
Trustee, Village of Hastings-on-Hudson

Mary Lambert
Trustee, Village of Hastings-on-Hudson

Anthony Del Plato
Trustee, Village of Interlaken

Arlene Burgos
Trustee, Village of Irvington