

July 18, 2025

The Honorable Jared Huffman  
U.S. House of Representatives  
2330 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Huffman:

We respectfully write you in your capacity as ranking member of the U.S. House Committee on Natural Resources to urge you and your colleagues to exercise extreme caution regarding the prospect of permitting reform during the 119<sup>th</sup> Congress. A confluence of political, economic, and jurisprudential factors has sparked an unprecedented crisis. As a country, we are abandoning long-standing ecological and community protections in favor of plundering public resources. This moment is simply not conducive to the development of permitting reform legislation that will serve the public interest.

The Trump administration has dismantled federal agencies, flouted bedrock environmental laws, rescinded administrative rules under the pretext of its resource-extraction-at-all-costs agenda, and disregarded core precepts of our nearly 250-year-old democracy. Congress, rather than address these transgressions, has acted in obeisance to the Trump administration's agenda, as was the case with Public Law 119-21, which unraveled the 2022 Inflation Reduction Act and radically reshaped the legal framework governing federal public lands for the benefit of resource extraction companies. The Supreme Court has exacerbated the situation, engineering extreme ideological outcomes that have upset otherwise well-established principles of administrative, environmental, and constitutional law. Meanwhile, the economy is brittle, a function of the administration's lurching tariff policy and President Trump's whim regarding what is or is not a favored economic sector, contributing to immense uncertainty in the energy, minerals, and resource extraction sectors.

There is no doubt that legislation will prove necessary to remedy these harms and to advance climate action as well as ecological and community protection through infrastructure development and thoughtful, conservation and community-centered project planning. However, we expect that any permitting reform legislation which could arise in the 119<sup>th</sup> Congress would most likely:

- Validate and normalize the Trump administration's fossil fuel and extraction-based agenda.
- Provide the administration with new tools to entrench fossil fuels, limit future decarbonization action, prioritize ill-advised logging and mining extraction over conservation, and otherwise undermine action to forcefully address the climate and ecological crises.
- Compromise long-sighted efforts to reimagine our country's bedrock environmental laws in the public interest.
- Subordinate the interests of people and communities to developers, investors, and resource extraction companies who hold undue power and influence.

We provide this perspective conscious of the spirited—if often ill-considered—national policy discussion regarding permitting reform.<sup>1</sup> That discussion has fixated a far too narrow lens on material infrastructure (e.g. renewables, transmission, and housing) at the expense of ecological and community values essential to a thriving, truly abundant world. This lens must be broadened before effective legislation can be crafted. While we appreciate the ideas proffered by pundits and think tanks who dominate the podcast circuit and narrative discourse, these ideas evidence a lack of domain-specific knowledge and expertise, especially relative to the National Environmental Policy Act and other federal environmental and administrative laws.<sup>2</sup> Adopting them absent full consideration of ecological and community values and without domain-specific knowledge and expertise regarding federal environmental and administrative laws would be short sighted. It would also undermine the public’s confidence that its interests—not the parochial interests of developers, investors, and resource extraction companies being amplified by pundits and think tanks—are at the heart of U.S. energy, infrastructure, and conservation policy.

Before legislation is conceived, we urge you to first engage the public in a robust conversation to shape a clear, values-driven vision, grounded in the need for material infrastructure, but in harmony with the imperative to protect ecological and community resilience. With such a vision in mind, Congress would prove able to craft legislation that inspires enduring public support—rather than aggravate rifts that arose during consideration of earlier iterations of permitting reform, such as the 2024 Energy Permitting Reform Act, shelved this past December.<sup>3</sup>

We offer the following principles in service of that inclusive, empowering effort.

### **PRINCIPLE 1: MISSION-ORIENTED FEDERAL AGENCIES ARE ESSENTIAL**

Once we work through the ruins of the current moment, Congress will undoubtedly need to rebuild and reimagine the federal government’s role and responsibilities. In this context, Congress should legislate clear and compelling public interest missions for agencies that further a strong and effective public sector in constructive relationship with the economy and environment. This is an imperative.

To do this, consider economics professor Marianna Mazzucato’s demand for a “new narrative to describe what the state is for: to shape markets rather than just fix them.”<sup>4</sup> We must, as Mazzucato writes, “invest

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<sup>1</sup> See David E. Adelman, Sommer Engels, Andrew Mergen, and Jamie Pleune, [\*Dispelling the Myths of Permitting Reform and Identifying Effective Pathways Forward\*](#) (Environmental Law Institute, Jan/Feb 2025).

<sup>2</sup> For example, data shows the value to project outcomes from engaging the public. A recent study that qualified the impact of public comment on NEPA decision-making found that agencies change projects in response to public input. Ashley Stava, et al, [\*Quantifying the substantive influence of public comment on United States federal environmental decisions under NEPA\*](#), Environmental Research Letters 20 (2025) 074028.

<sup>3</sup> Erik Schlenker-Goodrich, [\*Don’t Open the Gates: Latest Dirty Deal in Congress a Trojan Horse\*](#) (Sept. 30, 2024).

<sup>4</sup> Marianna Mazzucato, [\*The Role of a Mission-Oriented Framework for a Progressive Economy\*](#), from Restoring Economic Democracy: Progressive Ideas for Stability and Prosperity (Roosevelt Institute 2025).

in our public sector to develop the dynamic capabilities necessary to foster innovation-led sustainable and inclusive economic growth ... organized around collective social goals, such as responding to the climate crisis, biodiversity losses, and health inequities.”<sup>5</sup> Consider also Robin Wall Kimmerer’s admonition that, “[w]hen we speak of these [the sustenance that the land provides, from fish to firewood] not as things or natural resources or commodities, but as gifts, our whole relationship to the natural world changes.”<sup>6</sup>

Embracing these ideas in legislation would provide federal agencies with an outcome-based clarity of purpose to speed and guide infrastructure permitting in service of public interest-oriented climate action and conservation. Unfortunately, this clarity of purpose is lacking in U.S. energy and environmental policy. The U.S. Forest Service and Bureau of Land Management, for example, manage federal public lands, forests, and grasslands in accord with a “multiple use” mission that has perpetuated rather than resolved resource and conservation disputes.<sup>7</sup> Moreover, whatever logic “multiple use” may have once had, it has since been perverted by the 2025 Reconciliation Bill which claims resource extraction—rather than conservation—as the *de facto* dominant use of public lands. Drilling for oil and gas is prioritized by provisions, *inter alia*, mandating the sale of public lands oil and gas leases, reinstating noncompetitive oil and gas lease acquisitions, compromising the expert discretion of agencies to impose protective stipulations based on public input and lease-stage environmental reviews, and reducing royalties below market rates.<sup>8</sup> These policies add to the \$7 trillion in annual direct and indirect subsidies already afforded to the fossil fuel industry.<sup>9</sup> The Bill also significantly expands logging and coal mining on public lands,

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<sup>5</sup> *Id.*

<sup>6</sup> Robin Wall Kimmerer, *The Serviceberry: Abundance and Reciprocity in the Natural World* (2024).

<sup>7</sup> The 1976 Federal Land Policy and Management Act’s definition of “multiple use” amply illustrates the challenge implicated by ambiguous and laboriously worded statutory missions, especially when an administration’s ideology subordinates the public interest and rejects science-based decision-making. As 43 U.S.C. § 1702(c) provides:

The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

<sup>8</sup> Public Law 119-21, § 50101 (2025).

<sup>9</sup> International Monetary Fund, [\*Fossil Fuel Subsidies Surged to \\$7 Trillion: Scaling Back Subsidies Would Reduce Air Pollution, Generate Revenue, and Make a Major Contribution to Slowing Climate Change\*](#) (2023).

reinforcing the reality that the administration and Congress view public lands as a commodity to be sold, not conserved.<sup>10</sup>

This suggests to us that, in conjunction with the emergence of the climate and biodiversity crises, it is perhaps time to revisit the work of the 1970 Public Land Review Commission that underpins the multiple use framework.<sup>11</sup> This would afford Congress the opportunity to modernize the management of the public lands system as a key agent in our country’s transition from fossil fuels to renewables, as a bulwark against the ravages of the climate crisis, and as a refuge for biodiversity and ecological goods and services essential to community resilience.

Politicians of both political parties have also routinely embraced an “all of the above” approach that has dominated U.S. energy policy since the 1970s. It has provided fossil fuels with a narrative beachhead to subvert climate action into a mechanism that entrenches, rather than transitions from, fossil fuel production and use. This approach reached its culmination with the 2022 Inflation Reduction Act, which held great promise (and peril given fossil fuel concessions), but failed to generate strong public support and is now in ruins. Further, an “all of the above” approach defies the climate math required to constrain global warming and embraces a status quo mindset reflexively centered on fossil fuels as a solution to economic and energy woes.<sup>12</sup> This approach now only reinforces, and does not counter, the Trump administration’s “drill baby, drill” and resource extraction agenda. It has failed. We thus encourage policy approaches that abandon this rhetorical frame and adopt a new, forward-looking approach based on values and science to shape mission-oriented agencies that serve the public interest.

## **PRINCIPLE 2: PROTECTED, RESILIENT ECOLOGICAL SYSTEMS ARE THE FOUNDATION OF A THRIVING, ABUNDANT EARTH**

We exist in kinship with, not in isolation from, the world around us. Protected, well-managed, and cherished ecological systems sustain agricultural livelihoods and economies, provide clean air and water, a rich array of biodiversity, public lands for people to hunt, fish, and recreate, and an inestimable sense of freedom and place that binds us together as people and provides solace from the cacophony of human activity. Material infrastructure—e.g., renewables, transmission, and housing—must respect, honor, and protect these ecological systems, not sweep them aside in service of short-sighted expediency. Further, ecological systems themselves must be seen as non-renewable resources—an irreplaceable component of the web of natural and built infrastructure necessary to thrive within and at least muddle through the climate and biodiversity crises we now face.

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<sup>10</sup> Public Law 119-21, §§ 50201-50204, 50301 (2025).

<sup>11</sup> See Public Land Law Review Commission, *One Third the Nation’s Land: A Report to the President and to the Congress* (1970).

<sup>12</sup> See, e.g., Stockholm Environment Institute, *et al.*, [Production Gap Report](#) (2023) (“Governments, in aggregate, still plan to produce more than double the amount of fossil fuels in 2030 than would be consistent with limiting warming to 1.5°C”); International Energy Agency, [Net Zero Roadmap: A Global Pathway to Keep 1.5°C in Reach](#) (2023) (See specifically the report’s provisions regarding [fossil fuel supply](#)).

Regardless, we emphasize that human-built infrastructure is and shall remain dependent on Earth's ecological systems. A city or town, farm or ranch, or other human community and its associated infrastructure cannot flourish in a degraded landscape that is more vulnerable to floods, fires, disease, droughts, or other disturbance. It will, instead, prove brittle, risking not only economic vitality and taxpayer costs, but people's health and safety. Federal infrastructure policy must therefore embrace both natural and built infrastructure. To do this, we recommend that federal agencies:

- ***Leave intact, high-value ecological systems free of development.*** Often, the best form of management—especially given limited state capacity and where ecological systems are resilient and retain high levels of adaptive capacity—is to leave ecological systems alone.
- ***Prioritize the restoration of degraded ecological systems critical to people and communities where those systems suffer from low resilience or adaptive capacity.*** Impaired watersheds, for example, impose costs on downstream communities and infrastructure. Restoring such watersheds—often through nature-based solutions, such as the reintroduction and restoration of “nature’s engineers,” beavers—but also tactical human intervention, such as culvert repair and maintenance, can reduce impacts to and the cost of downstream material infrastructure, from wastewater treatment facilities to transportation infrastructure, and economies reliant on healthy, resilient watersheds.
- ***Provide that material infrastructure avoid harm to ecological systems.*** If harm cannot be avoided, it must be minimized within standards-based guardrails or, as a last resort, compensated for, such as with off-site mitigation. Financial assurance, cleanup, and reclamation/restoration obligations should also be assessed *before* infrastructure is permitted, ensuring that these obligations are not imposed on taxpayers or ignored, leaving degraded ecosystems and communities in their wake. Orphaned oil and gas infrastructure exemplifies this risk. In New Mexico, the State Land Office estimated that anemic financial assurance protections imposed a staggering \$8.1 billion on the state in clean up liabilities from oil and gas production on state and private lands.<sup>13</sup> The dynamic with orphaned wells, prevalent across the U.S., illustrates the risk of permitting infrastructure based on expediency rather than thoughtful consideration of ecological and community impacts and future needs.

### **PRINCIPLE 3: PEOPLE AND COMMUNITY MUST BE AT THE CENTER OF U.S. CLIMATE ACTION, ENERGY POLICY, AND INFRASTRUCTURE DEVELOPMENT**

Effective climate action is not a near-term bean-counting exercise to maximize the net reduction of greenhouse gas emissions. It is a multi-generational transformation of social, political, and economic systems that must be harmonized with the Earth's ecological systems. Above, we emphasized the critical importance of resilient ecological systems. Here, we emphasize those systems' human dimensions.

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<sup>13</sup> Center for Applied Research, [\*An Analysis of the Adequacy of Financial Assurance Requirements for Oil and Gas Infrastructure Located on State Trust and Private Lands in New Mexico\*](#) (April 30, 2021).

Effective climate action is contingent on public buy-in and the creation of a sense of belonging in something greater than themselves: Our fight against the climate crisis. Yet climate action is not in the foreground of most people's lives—people are, understandably, focused on other matters, whether raising families, building careers, or paying the bills. To foreground climate action and thereby build public support, people need to be brought into the climate conversation, not excluded from it by elite political and economic interests.<sup>14</sup> To do that, climate action cannot be driven simply by a directive to reduce greenhouse gas emissions. It must also endeavor to create social, political, and economic systems that work within the Earth's ecological ceiling and set a social foundation for people and communities to thrive, not merely survive.<sup>15</sup>

This is essential to inspire support, not opposition, to U.S. efforts to build critically needed material infrastructure, from renewables to transmission lines at a pace and scale commensurate to the climate action. In other words, the imperative is to build *sustained and swift momentum at scale*, not simply speed the approval of individual projects in a way that could, rightly or wrongly, backfire and imperil public support for critical infrastructure development at the pace and scale required to decarbonize. To inspire support for such action at scale, honest engagement with the public is necessary. As researchers at the Massachusetts Institute of Technology concluded, after reviewing opposition to 53 utility-scale wind, solar, and geothermal energy projects delayed or blocked between 2008 and 2021:

[S]ources of local opposition to renewable energy projects are more complex than simple NIMBYism, meaning that there are failures in current policy and the operation of government systems that lead to project delays, not just local selfishness. The full set of dynamics between individual stakeholders and their decisions to oppose specific projects must be understood if we are to make progress in achieving decarbonization.<sup>16</sup>

After cataloguing and evaluating such opposition, the researchers concluded that:

[I]ncorporating all stakeholder perspectives from the outset of a siting process will probably save time and money. Better to deal with perceptions of possible risks and potential benefits before opponents have made up their minds, and banded together, to block the project. While many perceptions are not evidence-based, they still need to be taken seriously. If ignored, they can trigger wider opposition and ultimately delay or block what many might view as valuable projects.<sup>17</sup>

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<sup>14</sup> Rhiana Gunn-Wright & Olúfemi Táiwò, [The Climate Movement Should Become a Human Movement](#), Hammer and Hope No. 6 (Spring 2025).

<sup>15</sup> Kate Raworth, [Doughnut Economics](#) (2017).

<sup>16</sup> Lawrence Susskind et al., [Sources of opposition to renewable energy projects in the United States](#), *Journal of Energy Policy*, Vol. 165 (2022).

<sup>17</sup> *Id.* at 13.

These conclusions echo our decades-long experience with on-the-ground, federal agency planning and decision-making processes. They warrant an evolution beyond formalistic notice-and-comment rulemaking towards more inclusive, participatory systems of public involvement.<sup>18</sup> Such systems, if grounded in core notions of equity, inclusion, and justice, would help address the risk of gamesmanship prevalent in federal decision-making and, we think, encourage genuine, good faith deliberation between stakeholders and federal agencies that lead to better, more predictable, and timely public interest outcomes that help bridge otherwise intransigent political divides.

Here, we reiterate our first principle: The need for mission-oriented federal agencies. Agency clarity of purpose better ensures that decision-making is not simply a free-for-all of perspectives, but a guided deliberation expressly designed to further the agency’s mission—one set by elected leaders and centered on the public interest. Permitting processes too often get bogged down because agencies must wrestle with vague, ambiguous, and often conflicting missions. This subjects permitting processes to political interference and pressure which, in turn, creates the perception, if not reality, that decision-making is rigged against the public. This can sour the public even to good projects. Mission-oriented federal agencies can address this risk through the strategic use of programmatic planning and decision-making processes as the cornerstone of delivering on their missions. Such processes:

- Focus public participation at the front-end planning stage of specific infrastructure development sectors or geographies and thereby operate to streamline project-specific approvals.
- Create a well-designed framework for developers and the public alike that proactively avoids and minimizes conflict with public interest values and sets clear, defined, and predictable rules for project-specific approvals.
- Serve as “air traffic control” to synchronize, accelerate, and perhaps even obviate the need for redundant federal, state, and local agency permitting decisions.
- Provide a focal point for identifying and allocating dedicated and durable funding for workforce and business development across a particular sector or geography and the community benefits that would flow from specific projects. This would free developers from the burden to “recreate the wheel” with each project in terms of public engagement and the execution of community benefit agreements.
- Mitigate the risk of judicial review given a higher probability that the public, because their concerns have been proactively addressed (assuming well-staffed and resourced agencies), will support and at least not oppose infrastructure development plans and projects.
- By providing a clarity of purpose behind agency action, focus judicial review on the question of whether a project furthers an agency’s mission-driven purpose and away from process-oriented disputes. In our view, process-oriented disputes often serve as a proxy for substantive disputes that are difficult to resolve given vague, ambiguous, or conflicting agency missions. These process-

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<sup>18</sup> Public engagement “influences agency decisions and is a valuable tool for agencies to gather information and refine plans, which could lead to more sustainable outcomes for affected communities and the natural world.” Ashley Stava, et al, [\*Quantifying the substantive influence of public comment on United States federal environmental decisions under NEPA\*](#), Environmental Research Letters 20 (2025) 074028.

oriented disputes also sometimes serve as a stalking horse for NIMBYs who seek to obstruct public interest projects to protect their private interests. Put simply, mission-oriented agencies can assess and approve projects with a clarity of purpose and process that is less subject to procedural disputes.

We offer this letter in good faith and recognition that there is much work to do in this fraught moment. However, we are deeply skeptical that the 119<sup>th</sup> Congress—given its composition, the signal it sent with the 2025 Reconciliation Bill, and the Trump administration’s virtual lock on policy—provides fertile ground for the development of legislation at this time that will serve the public interest. If anything, it is far more likely that it would provide terrain for toxic ideas to take root that compromise future needs and opportunities. We thus urge extreme caution and recommend that legislators engage the public in a dialogue designed to articulate a values-driven vision grounded in the need for material infrastructure that is built in harmony with the imperative to protect ecological and community resilience.

We would welcome the opportunity to discuss these matters in more depth.

Sincerely,



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Western Environmental Law Center

**ON BEHALF OF:**

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Matthew Gaffney  
**Wyoming Outdoor Council**

cc: The Honorable Martin Heinrich  
United States Senate

The Honorable Sheldon Whitehouse  
United States Senate