

September 7, 2022

The Honorable Chuck Schumer
Senate Majority Leader
Room S-221, The Capitol
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Room H-232, The Capitol
Washington, D.C. 20515

Dear Majority Leader Schumer, Speaker Pelosi,

On behalf of our 80 organizations and the millions of members and supporters we represent, we are writing to express our vehement opposition to any “permitting reform” legislation that would weaken the U.S. Endangered Species Act and other bedrock environmental laws to streamline the approval of dangerous fossil fuel projects. Specifically, we are extremely alarmed by the reckless proposal referenced in Senator Manchin’s one-page memo to fast-track the approval of the Mountain Valley Pipeline in Appalachia, which would not only lock the U.S. into a climate catastrophe but accelerate the wildlife extinction crisis in this country.

The Mountain Valley Pipeline is an ecological and climate disaster that threatens one of the largest remaining wild landscapes in the eastern United States. Construction of this 304-mile pipeline through Virginia and West Virginia has disturbed and destroyed critical waterways and other important habitat that imperiled species depend on. This destructive pipeline was rejected by the federal courts in part because of the devastation it would cause to endangered species and sensitive ecosystems along its path; the Fourth Circuit Court of Appeals held that the endangered species analysis failed to correctly analyze the harm the pipeline will have on two endangered fish—the Candy Darter, a species on the brink of extinction, and the Roanoke Logperch.

After decades of mountaintop removal mining and degraded water quality from pollution, the Candy Darter has been reduced to just 18 populations, of which only four will remain in just 25 years according to the U.S. Fish and Wildlife Service. Finding that the pipeline would harm the two remaining robust populations that scientists have deemed *essential* to the Candy Darter’s recovery, the Circuit Court, in a sharp rebuke to the Department of the Interior, noted that “if a species is already speeding toward the extinction cliff, an agency may not press on the gas.”¹

The court also found the pipeline failed to consider climate change impacts on these two fish species, despite the agency itself acknowledging that climate change “is expected to be an ‘increasing threat.’”² Because the Service “failed to account for the one thing we know about climate change: that it will get worse over time,”³ the court vacated the endangered species analysis and concluded:

[T]he Endangered Species Act’s directive to federal agencies could not be clearer: ‘halt and reverse the trend toward species extinction, *whatever the cost*’...On remand, the Fish and Wildlife Service should consider this mandate carefully,

¹ *Appalachian Voices et al., v. U.S. Department of Interior*, No. 20-2159, at 33 (4th Cir. 2022).

² *Id.* at 30.

³ *Id.*

especially given the precarious state of the candy darter.⁴

Forcing the Department of Interior to simply reissue an endangered species permit that condemns the Candy Darter to extinction and overrides the Fourth Circuit's holding that federal agencies must address climate change impacts in their reviews of endangered species would set a tremendously dangerous precedent that has wide ranging implications for all other endangered species and the extinction crisis that the nation faces.

In 2011, Congress passed a rider that legislatively delisted gray wolves in the Northern Rockies, which has led to not only the slaughter of thousands of wolves, but also opened the door to hundreds of similar anti-wildlife riders that seek to bypass the best available science and reward special interests that have no regard for the preservation of this nation's natural heritage. You correctly stood against efforts to exempt the California's Bay-Delta water projects from compliance with the Endangered Species Act and against efforts to exempt the Keystone XL pipeline from its impacts on the endangered American burying beetle. The Mountain Valley Pipeline should be no different.

A Congressional override and approval of the Mountain Valley Pipeline would send a clear message that Congress is willing to ignore climate science when it is inconvenient, and species can go written off to the dustbin of extinction when it is politically expedient to do so. Thus, we urge you to reject these callous attempts by Sen. Manchin and the fossil fuel industry to ram through this irresponsible pipeline and any other fossil fuel project that will cause irreparable harm to our nation's endangered wildlife and natural heritage.

Sincerely,

Center for Biological Diversity
Advocates for Snake Preservation
Alliance for the Wild Rockies
Animal Legal Defense Fund
Animal Protection League of New Jersey
Animals Are Sentient Beings Inc
Animas Valley Institute
Appalachian Mountain Advocates
Appalachian Voices
Assateague Coastal Trust
Berkshire Environmental Action Team (BEAT)
Beyond Extreme Energy
Bird Conservation Network
Blue Ridge Environmental Defense League
California Wildlife Foundation
Chattahoochee Riverkeeper, Inc.
Christian Council of Delmarva
Christians Caring for Creation
Conservation Alabama

⁴ *Id.* at 40 (emphasis added).

Conservation Congress
Cottonwood Environmental Law Center
Defenders of Wildlife
Earth Path Sanctuary
Eastern Coyote/Coywolf Research
Eco-Eating
Eco-Justice Collaborative
Endangered Habitats League
Endangered Species Coalition
Environmental Center of San Diego
Environmental Protection Information Center- EPIC
Farms to Grow, Inc.
Foundation Earth
Friends of the Bitterroot
Golden West Women Flyfishers
GreenFaith
Greenpeace USA
Heartwood
Hilton Pond Center for Piedmont Natural History
Howling For Wolves
Indian Creek Watershed Association
International Rivers
Intheshadowofthewolf
Kentucky Heartwood
KyotoUSA
La Purisima Audubon Society
LEGACY-The Landscape Connection
Living Rivers and Colorado Riverkeeper
Maryland Ornithological Society
Mental Health & Inclusion Ministries
Minnesota River Valley Audubon Chapter
Northeast Oregon Ecosystems
Northwest Coalition for Responsible Investment
Nuclear Energy Information Service (NEIS)
NY4WHALES
Oasis Earth
Occidental Arts and Ecology Center
Oceanic Preservation Society
Pacific Crest Trail Association
Post Carbon Institute
Preserve Franklin
Preservegrayson.com
Public Employees for Environmental Responsibility
Public Lands Project
RESTORE: The North Woods
San Bernardino Valley Audubon Society

Save Our Sky Blue Waters
Save The Colorado
SAVE THE FROGS!
Sequoia ForestKeeper®
Shoals Environmental Alliance
Sierra Club
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Social Compassion in Legislation
Swan View Coalition, Inc.
Tennessee Riverkeeper
Toxic Free North Carolina
Virginia Organizing
Wasatch Clean Air Coalition
Waterway Advocates, Inc.
Wild Idaho Rising Tide