

October 22, 2026

The Honorable Sheldon Whitehouse
Ranking Member
Senate Committee on Environment & Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Martin Heinrich
Ranking Member
Senate Committee on Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Leader
Senate Democrats
Room 2-221, The Capitol
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Ranking Members Whitehouse, Heinrich and Durbin, Leader Schumer, and Senators,

On behalf of our 113 organizations and our millions of members and supporters, we write to express our strong opposition to the Bipartisan American Affordability and Jobs Act of 2026. This “permitting reform” package will eviscerate public lands protections, prevent the public’s ability to protect themselves from harmful projects, cede management decisions to fossil fuel polluters, restrict Tribal consultation and cultural resource protections, limit judicial review, and further enable foreign-owned mining companies to seize public lands and contaminate our precious streams and rivers. At a time when the Trump administration has eliminated more than 20% of the federal public lands workforce and given away public lands to corporations and developers, this legislation throws aside the massive public lands recreation economy driven by hundreds of millions of people around the United States and the world in favor of a small number of powerful corporations and their profits.

Permit Certainty Provisions Will Degrade Millions of Acres of Public Lands

Section 1402 contains novel provisions that will result in virtually all types of destructive public lands projects including mining, oil and gas drilling, pipelines, logging projects, transmission lines and associated infrastructure are approved regardless of harm to public lands themselves or their ability to protect water sources, recreation, wildlife or cultural resources. The “disparate treatment” provisions will make all land managers fearful of protecting those lands due to concerns that saying no to any project would result in millions of dollars in liability for the federal government, and will result in extractive industries having control of virtually all public lands permanently into the future. Combined with other provisions, communities, tribal nations and individuals will be forever shut out of all public lands management decisions in favor of certainty for corporations that seek to maximize profits from public lands.

Fossil Fuel Projects and Data Centers Will Explode onto Public Lands

Under this bill, tens of thousands more oil and gas drilling operations will almost certainly be approved across millions of acres of public lands with zero environmental review and no ability to ever challenge any fossil fuel project in court ever again, locking in billions of tons of greenhouse gas emissions for decades into the future. Already, one quarter of total U.S. greenhouse gas emissions comes from fossil

fuels produced on federal public lands, and this percentage will only grow into the future if this legislation becomes law.¹ In addition, the broad, pro-approval structure of the bill will all but ensure that coal mining continues for the next 50 years on public lands, and ensures that related infrastructure including rail lines will allow that coal to be exported indefinitely.

Public lands will also become ripe for use and development of future data centers as resistance to their development on private lands grow. There are already over a dozen large-scale data centers being contemplated on public lands, and this legislation would all but ensure that any data center proposed on public lands is approved without any meaningful environmental review or ability to challenge an approval in court. As one example of a reckless and destructive proposed data center on public lands, proponents of “Project Beehive” envisions building a hyperscale data center powered by hundreds of water-sucking modular nuclear reactions on 9,000 acres of public lands in Utah.² Whether it is uranium mined on public lands or fossil fuels extracted from public lands, these future public lands-sited data centers will be powered by the future boom of fossil fuels and extraction that this legislation will enable.

Mining Provisions Will Give Thousands of Acres of Public Lands to Foreign-Owned Companies

Section 2215 weakens environmental protections for public lands and gives foreign-owned mining companies an unprecedented right to permanently seize public lands. The legislation allows private industry to use public lands as its own property, giving companies unfettered ability to dump toxic waste, build roads, and construct pipelines wherever they want, whenever they want, regardless of impacts to recreation, wildlife, cultural resources, or community water supplies. Foreign-owned mining companies would also be entitled to “as many mill site claims” as needed, allowing them to destroy nearly unlimited amounts of public lands. Hardrock mining is the top source of toxic pollution in the country.³

Large-scale Clearcuts and Reckless Logging Will be Rubberstamped

Despite having nothing to do with permitting reform or energy production whatsoever, under Section 2201, logging projects would be subject to a severely reduced 150-day statute of limitations for concerned citizens and wildland-urban interface frontline communities. Reckless logging leads to more wildfires, not less, and giving special interests near-absolute control over public lands only harms the ability of ordinary Americans to recreate on and enjoy their public lands. The timber industry would benefit from this fast-tracked process, enjoying expedited review of claims before the courts while the public’s concerns about forested public lands would take a back seat.

Tribal Rights and Cultural Resources Will be Ignored in Public Lands Management

Section 2301 of the bill undermines Tribal sovereignty and weakens protections for cultural resources. This provision limits Tribal Nations’ role in the planning and execution of federally connected projects on public lands and weakens the federal government’s obligation to meaningfully consult with Tribes. Rather than requiring consultation with Tribal Historic Preservation Officers early in the process, the bill

¹ Merrill, Matthew D. et al., Federal lands greenhouse gas emissions and sequestration in the United States—Estimates for 2005–14: U.S. Geological Survey Scientific Investigations Report 2018–5131 (2018) at 8.

² KUER, [A startup wants to build a massive nuclear-powered data center on public land in Utah](#) (September 30, 2026).

³ EPA, [Releases by Chemical and Industry](#).

provides that the United States “may” consult with them, turning meaningful consultation over potential impacts to tribal lands, historical and cultural resources, and sacred sites into a discretionary process. The bill also limits the ability of Tribes to challenge final determinations, imposing a punitively short 150-day statute of limitations and restrictive standing requirements. Additionally, public input under the National Historical Preservation Act is eliminated entirely. These provisions weaken the government-to-government relationship between the United States and Tribal Nations and diminish Tribal Nations’ ability to protect their interests in federal decision-making.

Communities Will be Removed from All Decision-making

Title I severely curtails the public’s ability to meaningfully engage in public lands management decisions. The Trump administration has already gutted the National Environmental Policy Act, yet the bill would further weaken the environmental review process by excluding more projects from review, limiting opportunities for public input, and making it harder for the public to challenge harmful decisions. Under the bill, project sponsors determine the “purpose and need” of their projects. Because the no-action alternative in the project’s environmental review would not meet those goals, projects on public lands would essentially be rubber-stamped. The bill also narrows the definition of “major federal action,” excluding many projects – including interstate fossil gas pipelines – from environmental review altogether. It provides only a minimum comment period for initial project notices, while eliminating public comment entirely on subsequent environmental reviews. The bill also severely restricts the public’s ability to seek judicial review of agency decisions through drastically shortened statute of limitations, restrictive standing requirements, and other limits on judicial review. Taken together, these changes would lock in benefits for corporate actors while silencing communities and their ability to challenge harmful projects.

Public lands are one of the most unifying causes in the country. 84% of Western voters consider rollback of laws protecting land, water and wildlife a serious problem, and a majority across party lines want conservation prioritized over energy on public lands.⁴ Present and future generations are counting on this Congress to reject attacks to our shared natural heritage in all of its forms. We therefore strongly urge you to reject this legislation.

Sincerely,

350 Bay Area Action
350 Yakima Climate Action
350Hawaii
Alliance for the Wild Rockies
Arizona Mining Reform Coalition
Basin and Range Watch
Bird Alliance of Oregon
Bitterroot River Protection Association
Black Hills Clean Water Alliance
Bold Visions Conservation
Californians for Western Wilderness
CalWild

⁴ Colorado College, [State of the Rockies 16th Annual Survey](#) (2026).

Cascade Forest Conservancy
Center for Biological Diversity
Central Oregon LandWatch
Citizens to Protect Smith Valley, NV
Climate Intervention Environmental Impact Fund
Climate Justice Alliance
Conservation Congress
Conservation Northwest
Cook Inletkeeper
Creation Justice Ministries
Dayenu: A Jewish Call to Climate Action
Earthworks
EcoFlight
Environmental Protection Information Center (EPIC)
Flathead-Lolo-Bitterroot Citizen Task Force
Footloose Montana
Friends of the Bitterroot (FOB)
Friends of the Boundary Waters Wilderness
Friends of the Clearwater
Friends of the Earth US
Friends of the Inyo
Gallatin Wildlife Association
Grand Canyon Wolf Recovery Project
Great Basin Resource Watch
Great Old Broads for Wilderness
GreenLatinos
Idaho Conservation League
Indigenous Environmental Network
Inland Ocean Coalition
Kettle Range Conservation Group
Los Padres ForestWatch
Lower San Pedro Watershed Alliance
Malach Consulting
Mennonite Central Committee U.S.
Minnesota Division Izaak Walton League of America
Mtn Bio
Multicultural Alliance for a Safe Environment (MASE)
New Hampshire Network for Environment, Energy, Climate
Next 100 Coalition
Northeastern Minnesotans for Wilderness
Norton Bay Watershed Council
Oil and Gas Action Network
Oil Change International
Oregon Natural Desert Association
Oregon Physicians for Social Responsibility
Oregon Wild

Paper Bag
Patagonia Area Resource Alliance
Predator Defense
Project Eleven Hundred
Quiet Use Coalition
Ravalli County Fish and Wildlife Association
Raven's Way Wilderness Guiding
Rewilding Institute
Rock Creek Alliance
Rocky Mountain Wild
Sage Steppe Wild
San Juan Citizens Alliance
San Luis Valley Ecosystem Council
Santa Fe Forest Coalition
Save Lake Superior Association (SLSA)
Save Our Cabinets
Save Our Domes
Save Our Sky Blue Waters
Save the Scenic Santa Ritas Association
Save the Yellowstone Grizzly
Scenic America
Sheep Mountain Alliance
Sierra Forest Legacy
Silvix Resources
SOSVV, Inc.
Southeast Alaska Conservation Council
Southern Utah Wilderness Alliance (SUWA)
Standing Trees
Sunflower Alliance
Swan View Coalition, Inc.
The Fire Restoration Group
The Forest Advocate
The Ocean Project
Unitarian Universalist Action New Hampshire
Unitarian Universalist Association (UUA)
Unitarian Universalists for Social Justice
Upper Gila Watershed Alliance
Washington Wld
WaterLegacy
Western Shoshone Defense Project
Western Watersheds Project
Western Wildlife Conservancy
White Mountain Conservation League
Wild Connections
WildEarth Guardians
Wilderness Watch

Wilderness Workshop
WildLands Defense
Wildlife for All
Williams Community Forest Project (WCFP)
Wonalancet Preservation Association
Wyoming Untrapped
Wyoming Wilderness Association
Wyoming Wildlife Advocates
Yellowstone to Uintas Connection